By Mr. SULZER: Petition of national executive committee of National German Alliance, for commission to study and report on best distribution to be made of immigrants over the country—to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Railway Trainmen, against the antipass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Paper to accompany bill for relief of James Allen—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June 9, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, urging that the estimate heretofore submitted for a deficiency appropriation of $80,000 to meet the amount needed to pay for the manufacture of stamped envelopes and newspaper wrappers be considered and made available as promptly as possible; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward W. Larabee, administrator of Stephen Larabee, deceased, and Charles H. Greenleaf, administrator of Amos L. Allen, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Antoine Decuir, Joseph Auguste Decuir, and Rosa Decuir Macias, heirs of Antoine Decuir, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5811) to amend section 3646 of the Revised Statutes of the United States as amended by the act of February 16, 1885, as amended by the act of February 23, 1906.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 2294. An act granting a pension to Michael Reynolds; and

S. 4375. An act granting an increase of pension to David McCredie;

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 1143. An act granting an increase of pension to Ephraim D. Achey;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;

H. R. 1549. An act granting an increase of pension to Louis H. Gein;

H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 2212. An act granting an increase of pension to John B. Johnson;

H. R. 2315. An act granting a pension to Miranda Berkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2772. An act granting an increase of pension to Eli Cero;

H. R. 2789. An act granting an increase of pension to Merrill Johnson;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4659. An act granting an increase of pension to John F. Morris;

H. R. 4678. An act granting an increase of pension to John F. Casper;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 4967. An act granting an increase of pension to Joshua Holcomb;

H. R. 5504. An act for the relief of Jesse Elliott;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 6201. An act granting an increase of pension to George W. Laking;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 6944. An act granting an increase of pension to David P. Kimball;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7254. An act granting an increase of pension to Isom Gwin;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7652. An act granting an increase of pension to Charles W. Timms;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 7871. An act granting an increase of pension to Jerome L. Brown;

H. R. 8214. An act granting an increase of pension to Joseph Slagg;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9101. An act granting an increase of pension to James W. Loomis;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10267. An act granting an increase of pension to David W. Farington;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 11888. An act granting an increase of pension to Heman A. Harris;

H. R. 12021. An act granting a pension to James M. Wood;

H. R. 12100. An act granting a pension to James Wallace Phillips;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12190. An act granting an increase of pension to Milton R. Dungan;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 13318. An act granting an increase of pension to Odom Butler;

H. R. 14144. An act granting a pension to Allen M. Cameron;

H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 14199. An act granting an increase of pension to John Ewing;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14480. An act granting an increase of pension to Mary C. Moore;
H. R. 14537. An act granting an increase of pension to Robert B. Crawford;
H. R. 14680. An act granting an increase of pension to Sampson Parker;
H. R. 14928. An act for the relief of F. V. Walker;
H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;
H. R. 15620. An act granting an increase of pension to David D. Owens;
H. R. 15713. An act granting an increase of pension to William McCrea;
H. R. 15763. An act granting an increase of pension to Gainford N. Upton;
H. R. 15856. An act granting a pension to Gordon A. Thurber;
H. R. 15945. An act granting a pension to Cynthia A. Compton;
H. R. 16169. An act granting a pension to Neal O'Donnel Parks;
H. R. 16211. An act granting an increase of pension to John W. Montgomery;
H. R. 16342. An act granting a pension to Matilda Foster;
H. R. 16397. An act granting an increase of pension to Allie Williams;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;
H. R. 16741. An act granting an increase of pension to William J. Girvan;
H. R. 16747. An act granting a pension to Sherman Jacobs;
H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
H. R. 16856. An act granting an increase of pension to Joseph McBride;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17266. An act granting an increase of pension to Henry W. Alspach;
H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
H. R. 17651. An act granting an increase of pension to Mary A. Riley;
H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
H. R. 17691. An act granting an increase of pension to George W. Henrie;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17740. An act granting an increase of pension to Charles M. Sexton;
H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
H. R. 17918. An act granting a pension to Walter S. Harman;
H. R. 18018. An act granting an increase of pension to David Evans;
H. R. 18045. An act granting an increase of pension to John M. Webb;
H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
H. R. 18193. An act granting an increase of pension to Walden Kelly;
H. R. 18214. An act granting an increase of pension to John Ingram;
H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;
H. R. 18343. An act granting an increase of pension to John N. Oliver;
H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
H. R. 18429. An act granting an increase of pension to David Mitchell;
H. R. 18432. An act granting an increase of pension to David Dirck;
H. R. 18493. An act granting an increase of pension to George H. Reeder;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18545. An act granting an increase of pension to David Upham;
H. R. 18601. An act granting an increase of pension to Edward A. Barnes;
H. R. 18606. An act granting an increase of pension to Maria A. Maher;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 18685. An act granting an increase of pension to Francis G. Fuller;
H. R. 18705. An act granting an increase of pension to Thomas T. Page;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18816. An act granting an increase of pension to Harriet Wetherby;
H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 19035. An act granting a pension to Elizabeth Moore Morgan;
H. R. 19067. An act granting an increase of pension to Thomas J. Smith;
H. R. 19080. An act granting an increase of pension to Frederick Fienop;
H. R. 19091. An act granting an increase of pension to Ernst Langeneck;
H. R. 19100. An act granting an increase of pension to Asa G. Brooks;
H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
H. R. 19105. An act granting an increase of pension to William H. Moser;
H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
H. R. 19162. An act granting an increase of pension to Charles Van Tine;
H. R. 19163. An act granting an increase of pension to Margaret Munson;
H. R. 19174. An act granting an increase of pension to Martha A. Billings;
H. R. 19215. An act granting an increase of pension to John Lingenfelder;
H. R. 19241. An act granting an increase of pension to Henry A. Conant;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
H. R. 19293. An act granting an increase of pension to William Colvin;
H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
H. R. 19300. An act granting an increase of pension to P. Easley;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
H. R. 19321. An act granting an increase of pension to Mary E. Turner;
H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;

H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
H. R. 19324. An act granting an increase of pension to Susan M. Long;
H. R. 19325. An act granting an increase of pension to George Oppel;
H. R. 19326. An act granting an increase of pension to Margaret R. Van Diver;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
H. R. 19359. An act granting an increase of pension to Levi Brader;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;
H. R. 19415. An act granting an increase of pension to Sara Ann Reavis;
H. R. 19416. An act granting an increase of pension to Antonio Macello;
H. R. 19462. An act granting an increase of pension to Emily Fox;
H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
H. R. 19483. An act granting a pension to Lydia A. Patnaude;
H. R. 19503. An act granting an increase of pension to David S. Jones;
H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
H. R. 19511. An act granting an increase of pension to Alexander Dixson;
H. R. 19514. An act granting an increase of pension to James H. Stimpson;
H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;
H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
H. R. 19530. An act granting an increase of pension to Charles P. Gray;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19534. An act granting an increase of pension to Noah Ressequie;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
H. R. 19604. An act granting an increase of pension to Beverley McK. Lacey;
H. R. 19626. An act granting an increase of pension to Samuel Campbell;
H. R. 19659. An act granting an increase of pension to Margaret S. Miller;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 19686. An act granting an increase of pension to Orin S. Rarick;
H. R. 19743. An act granting an increase of pension to W. P. McMichael;
H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
H. R. 19819. An act granting an increase of pension to Johanna Kearney;
H. R. 19889. An act granting an increase of pension to John M. Melson;
H. R. 19922. An act granting an increase of pension to Mary A. Sutherland; and
H. R. 19926. An act granting an increase of pension to Andrew Leopold.

Subsequently, the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.
S. 5357. An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn; and
H. R. 8410. An act to authorize the Charleston Light and Water Company to construct and maintain a dam across Goose Creek, in Berkley County, in the State of South Carolina.

PETITIONS AND MEMORIALS.

Mr. SPOONER presented a petition of the District Convention of Congregational Churches, held at Racine, Wis., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. FLINT presented memorials of sundry railroad employees of Oakland, Kern City, Truckee, Sacramento, Bakersfield, San Bernardino, Needles, San Diego, San Luis Obispo, San Francisco, and Los Angeles, all in the State of California; of Chicago, Ill., and of Memphis, Tenn., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. KNOX presented memorials of sundry railroad employees of Renovo, Pittston, Bellwood, Dubois, and Altoona, and of sundry employees of the Pennsylvania lines west of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. STONE presented petitions of L. L. Sullins, editor Rustler, Russellville; C. S. Dragoo, editor Journal, Rockport; C. C. Mitchim, editor Press, De Soto; J. E. Dismukes, editor Democrat, Salisbury; Concordia Publishing House, St. Louis; Oliver Chilton, editor Current Local, Van Buren; J. W. Morris, editor Wave, Hopkins; Lawrence Gelweer, publisher Architect and Builder, Kansas City; Miss Anna Coen, editor Herald, Bucklin; J. H. Kohrs, editor Times, Billings; O. C. Williams, editor Record, Benton; G. B. Cowley, editor The Chief, Cowgill; W. G. Warner, editor Leader, Lamar; W. C. Long, editor Owl, Stanberry; Ernest E. Smith, editor Daily Record, Kansas City; and Cyrus H. Ray, Purdy, all in the State of Missouri, praying for certain amendments to the postal laws regulating publications admitted to the second class; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of Brotherhood of Railroad Trainmen, No. 336, of Pittsfield, Mass., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. PERKINS presented a memorial of Trainmen's Lodge of Kern, Cal., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

Mr. ALLEE presented memorials of sundry employees of the Pennsylvania Railroad Company, of Wilmington, Del., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" prohibiting the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the passage of the so-called "free alcohol bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, to report it with amendments, and I submit a report thereon. I give notice that I shall try to get the bill up the first thing on Monday morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; and

A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, reported it with an amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill of the House (H. R. 13543) for the protection and regulation of the fisheries of Alaska, reported it with an amendment.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19255) granting an increase of pension to John Bradford; and

A bill (H. R. 14930) granting a pension to Mary Whisler.

CROW WING RIVER DAM, MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17881) permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MALLORY introduced a bill (S. 6414) granting a pension to Daniel Cannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6415) granting an increase of pension to Henry M. McMachan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 6416) for the relief of certain officers of the Signal Service; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 6417) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAPP introduced a bill (S. 6418) to establish an additional recording district in Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6419) for the relief of the Chestnut Grove Church, of Decatur, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 6420) to provide for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Panama Canal Zone to affect lands in the District of Columbia and the Territories; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for designs for a memorial in the Vicksburg National Military Park, commemorating the services of the Union Navy in the western waters during the civil war, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. WETMORE submitted an amendment proposing to appropriate $225,000 for constructing a steam revenue cutter to be stationed at Newport, R. I., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment proposing to amend section 4 of the act approved April 26, 1906, relative to the reexamination of the enrollment records of the Five Civilized Tribes of Indians, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS OF POSTMASTERS IN TEXAS.

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Texas in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified on memorandum schedule hereto attached, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified on the memorandum schedule hereto attached; and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

Memorandum schedule, Texas.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Acton	Benj. T. Tipton	1885	1870-1872	$135	$24	$111
Alleyton	H. Gaedcke	1885	1868-1870	175	100	75
Do	T. W. Thompson	1885	1872-1874	250	220	30
Alvarado	John J. Ramsey	1886	1872-1874	100	25	75
Anderson	Thos. Reiling	1883	1866-1868	480	220	260
Aransas	W. R. Hay	1884	1870-1874	100	48	52
Athens	Jeff. E. Thompson.	1883	1870-1872	340	88	252
Bagdad	John D. Mason	1883	1868-1870	70	50	20
Do	do	1883	1870-1872	125	50	75
Do	do	1883	1872-1874	200	150	50
Bandera	Chas. Schmidtke	1885	1872-1874	68	24	44
Banquete	Mary A. Madray	1886	1868-1872	56	32	24
Bastrop	Chas. Wertzmer	1886	1866-1868	1,257	680	577
Beeville	T. R. Atkins	1886	1868-1870	177	21	156
Bellville	Wm. Alexander	1886	1870-1872	507	360	147
Belmont	John B. Chester	1885	1870-1872	320	240	80
Belton	Harvey S. Webb	1883	1868-1870	1,240	859	381
Do	W. A. Miller	1884	1866-1868	840	440	400
Ben Franklin	H. M. Taylor	1884	1872-1874	70	24	46
Birdville	T. Hardisty	1884	1872-1874	64	24	40
Black Jack Grove.	W. A. Green	1885	1866-1868	63	8	55
Do	do	1885	1868-1870	112	63	49
Blanco	Jno. M. Comparet	1884	1872-1874	175	77	98
Do	M. F. Bell	1885	1866-1868	92	50	42
Do	do	1885	1868-1870	116	96	20
Do	do	1885	1870-1872	206	115	91
Do	do	1885	1872-1874	160	103	57
Blossom Prairie	Jas. Jordan	1885	1870-1872	100	24	76
Boerne	J. G. O'Grady	1886	1866-1868	229	144	85
Do	Bertha Staffel	1884	1870-1872	225	162	63
Bonham	T. H. Lydston	1884	1870-1872	1,450	1,180	270
Boston	M. J. Odell	1885	1868-1870	194	100	94
Do	do	1885	1870-1872	445	320	125
Brenham	D. A. Allen	1884	1866-1868	3,200	1,980	1,220
Do	do	1884	1868-1870	4,700	3,800	900
Buena Vista	Ransom Wheeler	1886	1868-1870	69	16	53
Burnett	Mrs. M. E. Coffee	1885	1870-1872	200	126	74
Do	do	1885	1872-1874	200	126	100
Burton	H. Knittel	1885	1870-1872	380	24	356
Caldwell	Thos. F. Hudson	1885	1866-1868	311	138	173
Do	do	1885	1868-1870	523	311	212
Do	M. H. Addison	1884	1872-1874	550	460	90
Calvert	P. W. Hall	1883	1868-1870	1,100	100	1,000
Cameron	Porter Rice	1885	1866-1868	189	84	105
Do	W. K. Homan	1885	1868-1870	384	72	312
Do	do	1885	1870-1872	700	600	100
Caney	Julius Glatz	1886	1866-1868	174	98	76
Do	do	1886	1870-1872	160	126	34
Canton	F. M. Hobbs	1885	1870-1872	351	116	235
Carolina	Edward H. Featherston.	1886	1870-1872	96	24	72
Cartersville	H. C. Vardy	1886	1868-1870	88	8	80
Do	do	1886	1870-1872	108	88	20
Castroville	Jno. Vance	1886	1866-1868	200	138	62
Do	do	1886	1868-1870	296	188	108
Do	do	1886	1870-1872	371	296	75
Cedar Grove	W. F. McGuire	1885	1870-1872	106	24	82
Cedar Hill	Susan E. Merrifield.	1886	1868-1870	94	38	56
Center	Benjamin Harkness.	1885	1866-1868	60	9	51
Do	do	1885	1868-1870	111	72	39
Centerville	H. M. Cook	1883	1870-1872	235	163	72
Do	H. Keller	1885	1866-1868	444	100	344
Do	do	1885	1870-1872	235	163	72
Chapel Hill	J. S. Haller	1885	1870-1872	650	500	150
Charleston	Z. R. Terrell	1886	1870-1872	83	24	59
Chatfield	Wm. M. Molloy	1885	1870-1872	155	16	139
Cherry Springs	Christian Kothe	1886	1866-1868	29	10	19
Clarksville	Mary W. Donoho	1885	1866-1868	292	85	207
Cleburne	Sol Lockett	1886	1870-1872	1,200	500	700
Do	B. S. Greenham	1884	1868-1870	450	24	426
Do	Benj. F. Harris	1884	1872-1874	-------	-------	150
Clifton	F. M. Browning	1885	1870-1872	160	16	144
Cold Spring	J. N. Harris	1885	1870-1872	380	200	180
Columbia	H. Stevens	1885	1868-1870	481	421	61
Do	do	1885	1870-1872	300	240	60
Do	T. J. Roberts	1886	1866-1868	455	260	195
Do	J. P. Underwood	1886	1870-1872	225	180	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Columbus	H. H. Haskell	1885	1866-1868	$1,229	$800	$429
Do	do	1885	1868-1870	917	717	200
Comanche	T. J. Nabors	1885	1870-1872	290	30	260
Comfort	F. Hardenbrock	1886	1866-1868	220	130	90
Do	do	1886	1868-1870	275	220	55
Content	F. Boettcher	1885	1866-1868	91	42	49
Do	do	1885	1868-1870	161	96	65
Do	do	1885	1870-1872	190	161	29
Do	do	1885	1872-1874	260	200	60
Corpus Christi	J. L. Marsh	1885	1866-1868	1,570	740	830
Cottongin	M. E. Roberts	1886	1870-1872	300	200	100
Do	Mattie Ficklin	1885	1866-1868	175	81	94
Courtney	Edward Grinnez	1885	1868-1870	371	220	151
Do	do	1885	1870-1872	375	96	279
Do	W. J. Callaway	1884	1872-1874	530	420	100
Crockett	Mark Miller	1885	1870-1872	910	680	230
Do	do	1885	1872-1874	1,300	1,020	280
Do	S. V. Halls	1885	1866-1868	368	240	128
Cuero	R. Franke	1886	1872-1874	750	538	212
Cummings	John A. McKenney.	1886	1868-1870	81	33	48
Cuthand	W. L. Garvin	1886	1868-1870	47	16	31
Daingerfield	John T. Turrentin.	1885	1868-1870	297	184	113
Do	do	1885	1870-1872	470	320	150
Dallas	Wm. Jones	1885	1870-1872	3,200	2,200	1,000
Decatur	H. M. Hardwick	1885	1870-1872	450	142	308
Denton	John Stanfield	1885	1870-1872	703	260	443
Do	do	1885	1872-1874	820	703	117
Do	L. M. Fry	1885	1866-1868	217	112	105
Eagle Pass	Geo. Enderle	1886	1866-1868	134	5	129
Do	do	1886	1868-1870	85	33	52
Do	G. McKay	1886	1868-1870	421	167	254
El Paso	Frank C. Marsh	1884	1872-1874	1,250	1,000	250
Do	Edward Stine	1883	1868-1870	480	120	360
Ennis	J. M. Dixon	1884	1872-1874	1,100	820	280
Fayetteville	Reiner Zimmerman.	1885	1866-1868	305	200	105
Fincastle	B. P. Adams	1886	1870-1874	100	48	52
Flatonia	F. W. Flato	1884	1870-1872	96	24	72
Do	do	1884	1872-1874	298	98	200
Florence	Smith Brown	1884	1866-1868	80	22	58
Do	P. H. Adams	1884	1870-1872	185	96	89
Fort Quitman	G. W. Wahl	1885	1868-1870	373	40	333
Fort Worth	P. J. Bowdry	1884	1872-1874	1,700	1,120	580
Do	C. J. Louchx	1886	1866-1868	200	84	116
Do	do	1886	1870-1872	1,320	1,120	200
Fredericksburg	Aug. Schild	1885	1868-1870	1,000	790	210
Do	Henry C. Lochte	1885	1866-1868	600	340	260
Frelsburg	Mathew Malsch	1885	1866-1868	246	168	78
Do	do	1885	1868-1870	309	246	63
Gainesville	Mary Carpenter	1886	1866-1868	256	210	46
Do	do	1886	1868-1870	466	340	126
Do	do	1886	1870-1872	550	466	84
Do	do	1886	1872-1874			100
Gatesville	Luther M. Allen	1884	1870-1872	330	60	270
Georgetown	J. B. Napier	1884	1870-1872	750	400	350
Do	do	1884	1872-1874	1,100	900	200
Do	E. H. Napier	1885	1866-1868	460	340	120
Goliad	Lucius McCain	1885	1870-1872	680	520	160
Do	C. H. Baker	1884	1872-1874	900	680	220
Granbury	Jesse F. Nutt	1884	1870-1872	200	24	176
Do	J. C. Haynes	1885	1872-1874	375	287	88
Do	C. C. Fornwalt	1885	1872-1874			50
Gray Rock	J. E. Carr	1885	1870-1872	128	40	88
Greenville	W. H. B. Orr	1885	1868-1870			150
Hackberry	Mrs. A. Newhams	1886	1868-1870	107	70	37
Harmony Hill	W. L. Fainbrough	1884	1868-1870	96	18	78
Harrisburg	Josiah Paul	1885	1870-1872	690	340	350
Helena	L. B. Russell	1884	1868-1870	420	250	170
Helotes	Chas. Mueller	1884	1872-1874			50
Hempstead	T. G. Patrick	1885	1866-1868	707	316	391
Do	Wm. Ahrenbeck	1885	1868-1870	1,360	1,180	180
Do	A. B. Coggshall	1885	1868-1870	850	737	113
Do	do	1885	1870-1872	1,550	1,360	190
Hickory Hill	D. L. Hendriks	1886	1868-1870	92	44	48
Do	do	1886	1870-1872	106	92	14
Hockley	Jas. Horman	1886	1866-1868	207	140	67
Do	do	1886	1868-1870	385	260	125
Honey Grove	Geo. A. Dailey	1885	1868-1870	201	171	30
Hopkinsville	Jas. Taylor	1886	1868-1870	78	40	38
Huntsville	E. F. Josey	1883	1866-1868	1,466	1,300	166
Hutchins	M. O. Bledsoe	1884	1872-1874			75
Independence	C. Heidenheimer	1886	1868-1870	385	96	289
Do	do	1886	1870-1872	520	440	80
Indianola	Julius Wagner	1885	1868-1870	1,278	970	308
Industry	G. Hennings	1884	1866-1868	250	158	92
Do	do	1884	1870-1872	280	240	40
Jacksonboro	S. F. Stinson	1884	1872-1874	1,150	1,040	110
Jacksboro	Louisa J. Baggett	1886	1868-1870	285	18	167
Jamestown	John L. Bacon	1885	1870-1872	60	24	36
Jefferson	Donald Campbell	1886	1866-1868	3,190	2,322	868
Do	do	1886	1868-1870	4,400	3,600	800
Jasper	D. J. Henderson	1884	1868-1870	190	132	58
Kaufman	M. A. Morris	1884	1870-1872	700	440	260
Do	V. I. Stirman	1884	1872-1874	1,200	800	400
Kerrville	Christian Dietert	1885	1870-1872	74	40	34
Do	do	1885	1872-1874	180	132	48
Knoxville	Jas. G. Bell	1886	1868-1870	34	8	26
Do	do	1886	1870-1872	89	44	45

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
Ladonia	D. S. Redner	1885	1868-1870	$155	$82	$73
Do	do	1885	1870-1872	350	172	178
Lamar	Peter Johnson	1885	1872-1874	60	38	22
Lampassas	John Markward	1885	1868-1870	266	154	112
Do	do	1885	1870-1872	470	320	150
Do	L. D. Nichols	1886	1872-1874	650	540	110
Lancaster	Paul Henry	1883	1868-1870	479	344	135
Do	do	1883	1870-1872	768	479	289
Lavernia	Jas. H. McMahon	1885	1870-1872	180	28	152
Lewisville	S. A. Kealy	1884	1870-1872	216	176	40
Lexington	H. J. Hester	1885	1866-1868	177	66	111
Do	do	1885	1868-1870	426	260	166
Do	do	1885	1870-1872	521	426	95
Liberty Hill	W. R. Bratton	1884	1870-1872	200	32	168
Linden	Andrew Nelson	1885	1870-1872	150	48	102
Livingston	John Herring	1884	1868-1870	184	70	114
Lockhart	Champion Cowan	1885	1866-1868	535	420	165
Do	J. W. Laney	1885	1872-1874	775	660	115
Longview	J. M. Taylor	1886	1870-1872	684	24	660
Lynchburg	T. C. Landon	1885	1870-1872	210	60	150
Do	do	1885	1872-1874	350	300	50
McDade	A. M. Beall	1885	1870-1872	650	480	170
McKinney	Jos. I. Chastain	1884	1870-1872			200
Do	do	1884	1872-1874	2,300	1,880	420
Do	Jos. W. Thomas	1886	1866-1868	976	800	176
Madisonville	R. Mahorner	1884	1872-1874	220	178	42
Marlin	W. Killebrew	1885	1866-1868			75
Do	do	1885	1872-1874			200
Marshall	Henry Rawson	1886	1866-1868	3,300	1,940	360
Marquez	A. D. Boggs	1883	1872-1874			75
Mason	Benj. F. Gooch	1883	1866-1868			234
Menardsville	Wm. Prescott, jr.	1885	1870-1872	113	24	89
Meridian	T. T. Angel	1885	1870-1872	345	240	105
Do	S. W. Billingslee	1885	1868-1870	320	180	140
Middleton	John J. Marshall	1885	1870-1872	72	6	66
Minnesola	Thos. L. Scruggs	1883	1872-1874			200
Montgomery	J. W. McRae	1884	1868-1870	250	150	100
Moscow	Sol Bergman	1883	1870-1872	200	143	57
Mountain City	A. B. Cross-thwaite.	1883	1868-1870	250	122	128
Mount Pleasant	S. P. Adams	1885	1870-1872	251	200	51
Do	John F. Berry	1883	1868-1870			75
Do	do	1883	1870-1872	251	200	51
Navasota	Aaron Poer	1885	1870-1872	2,700	2,000	700
Do	Verplan K. Ackerman.	1884	1866-1868	1,400	620	780
New Braunfels	C. H. Holtz	1885	1866-1868	1,100	760	340
New Waverly	Wm. Whitley	1884	1872-1874	76	48	28
Nockenut	P. W. Hoblee	1886	1870-1872	68	34	34
Norman Hill	Ole Cannteson	1886	1866-1868	24	6	18
Do	do	1886	1868-1870	20	8	12
Oakland	Henry Bock	1886	1870-1872	176	152	24
Orange	L. C. R. Scott	1885	1866-1868	282	138	144
Do	do	1885	1879-1872	302	217	145
Palestine	Geo. D. Kelley	1884	1870-1872	2,300	1,200	1,100
Do	Thos. Cuthbertson.	1883	1868-1870	875	700	175
Paris	J. T. Craigo	1886	1872-1874	2,600	2,200	400
Pennington	G. W. Holland	1886	1866-1868	84	25	59
Do	do	1886	1868-1870	96	40	56
Peoria	Jenkins Davis	1886	1868-1870	112	28	84
Do	do	1886	1870-1872	143	28	115
Petersburg	Henry R. Judd	1886	1866-1868	52	30	22
Do	do	1886	1868-1870	80	52	28
Pilot Point	Jacob Martin	1885	1866-1868	168	64	104
Do	do	1885	186 -1870	300	200	100
Do	Mattison A. Dale	1885	1870-1872	352	224	128
Pine Grove	E. Thompson	1883	1868-1870	43	6	37
Do	do	1883	1872-1874			25
Pine Oak	F. M. Smith	1885	1872-1874	90	64	26
Pittsburg	Mrs. L. F. Crawford.	1886	1866-1868	144	76	68
Do	do	1886	1868-1870	228	104	124
Plano	J. W. Brock	1885	1872-1874			200
Do	Jas. H. Martin	1886	1868-1870	121	56	65
Pleasanton	Coleman Lyons	1883	1870-1872	137	28	109
Port Lavacca	Franklin Beaumont.	1885	1866-1868	1,760	1,040	720
Prairieville	James Boulden	1885	1870-1872	220	48	172
Do	do	1885	1872-1874	360	320	40
Quitman	P. T. Shuford	1884	1870-1872	420	280	140
Do	Oscar Pabst	1885	1866-1868	300	170	130
Rancho	J. L. Patterson	1886	1868-1870	60	24	36
Reagan	R. S. Harper	1885	1872-1874			75
Refugio	Hugh Rea	1885	1868-1870	60	20	40
Do	do	1885	1870-1872	122	40	82
Richmond	Matilda Hingham	1885	1866-1868	233	97	136
Rio Grande City	Geo. Spencer	1884	1866-1868	118	75	43
Do	do	1884	1868-1870	370	200	170
Do	do	1884	1870-1872	460	340	120
Do	H. G. Tachan	1884	1872-1874	650	520	130
Rockport	L. B. Russell	1884	1872-1874	1,080	980	100
Do	J. W. Moses	1885	1870-1872	890	740	150
Rockwall	B. F. Boydston	1884	1866-1868	220	74	146
Do	do	1884	1870-1872	450	280	170
Rusk	Jos. W. Vining	1885	1868-1870	596	420	176
Do	do	1885	1870-1872	672	596	74
St. Marys	Geo. Howard	1883	1872-1874	280	186	94
Salado	John T. Eubank	1885	1870-1872	540	380	160
San Augustine	A. E. Baker	1885	1866-1868	435	140	295

Memorandum schedule, Texas—Continued.

Post-office in Texas.	Postmaster.	When presented to Postmaster-General for payment.	Biennial term in which salary is not paid.	Estimate of whole salary earned.	Estimate of whole salary paid.	Estimate of salary unpaid.
San Augustine	A. E. Baker	1885	1868-1870	$578	$380	$198
Sand Flie	Mrs. M. H. Parkhurst.	1885	1868-1870	172	58	114
San Diego	Jas. O. Luby	1885	1868-1870	37	24	13
Do	do	1885	1872-1874	80	48	32
Sandy Point	Wm. Richardson	1885	1872-1874	50	24	26
Do	Chas. Love	1886	1868-1870	49	24	25
San Marcos	O. J. Driskell	1885	1866-1868	140	50	90
Do	Alfred Von Stein	1885	1870-1872	850	500	350
Do	do	1885	1872-1874	1,200	1,000	200
Do	Geo. W. Donaldson.	1884	1866-1868	250	94	156
San Saba	J. C. Rogan	1885	1872-1874	400	200	200
Scyene	Amon McCommas.	1885	1870-1872	110	40	70
Seguin	Julius Wagner	1884	1872-1874	1,300	1,180	120
Sherman	John Dorchester	1884	1868-1870	1,582	760	822
Do	do	1884	1870-1872	2,600	1,920	680
Do	do	1884	1872-1874	4,500	3,000	1,500
Do	Wm. L. Taylor	1885	1866-1868	730	285	445
Springfield	Dessie K. Houston	1884	1868-1870	255	150	105
Do	do	1884	1870-1872	550	380	170
Spring Hill	A. Hansom	1886	1866-1868	74	22	52
Do	do	1886	1868-1870	60	20	40
Do	E. J. Ward	1883	1870-1872	142	40	102
Do	do	1883	1872-1874	180	142	38
Sulphur Springs	Daniel Gunn	1885	1870-1872	535	388	147
Sweet Home	Clement Foster	1886	1870-1872	236	179	57
Texana	R. J. Brackenridge.	1884	1870-1872	220	188	32
Do	do	1884	1872-1874	300	240	60
Towash	S. C. Dyer	1885	1870-1872	132	24	108
Tyler	John Flynne	1885	1870-1872	2,400	1,720	680
Valley	Geo. Bergfeld	1886	1868-1870	57	24	33
Do	do	1886	1870-1872	91	57	34
Valley Mills	A. M. Barnett	1883	1872-1874	200	150	50
Do	L. T. O'Bryan	1885	1868-1870	150	48	102
Victoria	Henry F. Kuhne	1885	1870-1872	2,200	1,629	571
Waco	Isaac H. Caldwell	1885	1870-1872			250
Do	N. W. Harris	1885	1866-1868	2,740	2,000	740
Do	do	1885	1868-1870			200
Washington	J. Alexander	1885	1866-1868	330	240	90
Waxahachie	Julius Angleman	1885	1866-1868			72
Do	Wm. W. Knight	1885	1868-1870	440	260	180
Do	do	1885	1870-1872	1,440	800	640
Do	do	1885	1872-1874	1,880	1,680	200
Do	Harlan Rowan	1885	1866-1868	487	287	200
Do	do	1885	1868-1870	445	389	56
Weatherford	John Norton	1885	1866-1868	896	600	296
Webberville	J. S. Flaniken	1886	1870-1872	300	320	80
Weston	A. L. Patterson	1885	1870-1872	190	113	77
Wharton	J. R. Minnis	1885	1866-1868	210	44	166
Wheelock	John Sheets	1886	1866-1868			103
White Oak	E. R. Merrell	1886	1868-1870	90	24	66
White Rock	D. C. Kennedy	1886	1870-1872	119	96	23
Do	do	1886	1872-1874	160	128	32
Willis	J. E. George	1884	1872-1874	700	480	220
Winchester	C. B. Moore	1885	1866-1868	118	20	98
Woodville	W. G. McDaniel	1884	1870-1872	122	76	46
Do	do	1884	1872-1874	180	144	36
Yorktown	Jacob Gugenheimer.	1884	1866-1868	320	260	60
Do	do	1884	1870-1872	350	280	70

COMMITTEE SERVICE.

Mr. BLACKBURN. Mr. President, I am directed to ask that the senior Senator from Texas [Mr. CULBERSON] be assigned to the vacancy on the minority side of the Committee on Interoceanic Canals, in place of the late Senator from Maryland, Mr. Gorman.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Commitee on Military Affairs:

H. R. 5504. An act for the relief of Jesse Elliott; and

H. R. 14928. An act for the relief of F. V. Walker.

MICHAEL REYNOLDS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2294) granting a pension to Michael Reynolds; which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DAVID M'CREDIE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4375) granting an increase of pension to David McCredie; which was, in line 7, after "Volunteers," to insert "Florida Indian war."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. GALLINGER. I ask unanimous consent that the District of Columbia appropriation bill be taken up for consideration.

Mr. BURKETT. Let me ask the Senator from New Hampshire if he is not willing that we should complete the school bill before going on with the appropriation bill?

Mr. GALLINGER. I am quite willing that the Senator should complete it when we get the appropriation bill through, which I hope will be very soon. I will help the Senator then to get up the school bill.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire? The Chair hears none, and the District of Columbia appropriation bill is before the Senate.

YOSEMITE VALLEY GRANT AND MARIPOSA BIG TREE GROVE.

Mr. PERKINS. I ask my friend from New Hampshire to yield to me for the purpose of requesting the Senate to proceed to the consideration of House joint resolution 118.

Mr. GALLINGER. As I understand that is an urgent matter, I will yield to the Senator.

Mr. PERKINS. I ask the Senate to proceed to the consideration of the joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask that the regular order be proceeded with.

Mr. PERKINS. Notwithstanding the objection of the Senator from South Dakota I will ask the Senate to proceed to the consideration of the joint resolution, for the reason that the legislature of California is now in session and it is very important that the joint resolution shall be passed at this time.

Mr. KITTREDGE. I still call for the regular order.

Mr. PERKINS. The Senator from New Hampshire has yielded to me.

The VICE-PRESIDENT. The Senator from South Dakota demands the regular order, which is the District of Columbia appropriation bill.

Mr. GALLINGER. Let the Secretary proceed with the reading of the appropriation bill.

Mr. PERKINS. Mr. President, have I not the right under the rule to move that notwithstanding the objection of the Senator from South Dakota the Senate shall proceed to the consideration of the joint resolution?

The VICE-PRESIDENT. The Senator has that right.

Mr. PERKINS. That is my motion.

The VICE-PRESIDENT. Objection is made to unanimous consent, and the Senator from California moves that the Senate proceed to the consideration of the joint resolution.

Mr. PERKINS. I hope the motion will prevail, for the reason that there is no possible objection to the joint resolution that I can conceive of. The legislature of California has unanimously passed a joint resolution receding——

The VICE-PRESIDENT. The Chair will state that the motion is not debatable. The question is on agreeing to the motion of the Senator from California to proceed to the consideration of the joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. KITTREDGE. The joint resolution may lead to some debate. It was considered at quite considerable length before the Committee on Forest Reservations, and I think it should not be pressed this morning.

The VICE-PRESIDENT. But the Senate has voted to proceed to its consideration.

Mr. KITTREDGE. I understand that.

The VICE-PRESIDENT. It is not before the Senate by unanimous consent. The Secretary will read the joint resolution.

The Secretary read the joint resolution.

Mr. PERKINS. Mr. President, I wish to explain briefly

what the joint resolution is. It passed the House some time since unanimously. It has been considered in the Senate committee for several months. The Secretary of the Interior, as it appears from the report, has strongly recommended the passage of the joint resolution. There is but one person to my knowledge in the country who has been opposed to the acceptance of this recession from the State of California.

Briefly stated, Mr. President, in 1864 the General Government ceded to California in trust for recreation and pleasure what is known as the Yosemite Valley and the Mariposa Big Tree Grove. The Yosemite Valley embraces an area of 56 square miles. The Mariposa Big Tree Grove consists of 2,560 acres, and contains the largest trees and the most ancient living things on the globe, the *Sequoia gigantea*—trees which are said to be from six to seven thousand years old. The Yosemite Valley is a cleft or gorge in the crest of the Sierra Mountains. It comprises, as I said, 56 square miles.

The State of California during forty years have had possession and have administered the trust the best they could. They have expended $496,000 during the past forty years for the care and management of the Yosemite Valley. They would have continued to administer this trust to the best of their ability, but in 1890 Congress in its wisdom saw proper——

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. Certainly.

Mr. GALLINGER. I beg the indulgence of the Senator from California. The Senator appealed to me to allow him to ask for the consideration of the joint resolution, and I agreed to do so, with the stipulation that it would not lead to debate. I regret that the Senator moved to take it up. He has displaced a very important appropriation bill, which it is very necessary should be passed at an early day, because the appropriation bill is going to take a good while in conference. I hope that the debate on the joint resolution will be as brief as possible.

Mr. PERKINS. I shall detain the Senate but three minutes. There is no possible objection to the joint resolution that my colleagues in either House of Congress can conceive of. It is very important, I will say to my friend from New Hampshire, because the legislature of California has been convened in extra session, and if Congress is not going to accept the act of recession that has been passed by the legislature of California, some other provision must be made.

The legislature, by an almost unanimous vote, passed a resolution granting this concession to the General Government. Every commercial organization in our State is in favor of it. The Sierra Club, composed of naturalists and scientists, of which Prof. John Muir is the president, wired me a few days since that it would be a great misfortune to the country if this joint resolution should not be passed.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask the Senator from California how much he is asking from the Government at this session of Congress in the way of an appropriation to carry out the purposes of the recession?

Mr. PERKINS. We are not asking one single dollar at this session of Congress. The Secretary of the Interior states that he has sufficient funds for all purposes for the present year.

But, Mr. President, be that as it may, it is one of the great natural wonders of the world. California would have continued to retain it and to administer its affairs, but, as I was proceeding to say, in 1890 Congress passed an act setting aside 1,000 square miles surrounding the Yosemite Valley as a national park. The result is that there is to-day a conflict there—a dual jurisdiction. Only last year a fire occurred in the Yosemite Valley, on the boundary line of that national park. The guardian of the valley, appointed by the State, said that it belonged to the General Government; that it was in the national park. The captain commanding the soldiers said, "No; it is in the Yosemite Valley." The result was that the fire got such headway before they jointly took hold of it that thousands of trees were destroyed.

Mr. President, as I said before, the Members of the House, the joint California delegation in Congress, the legislature of California, and every Californian I know of is in favor of the proposed recession to the General Government.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PERKINS. Certainly.

Mr. KITTREDGE. I ask the Senator from California if it is not a fact that $180,000 has been suggested as the amount that it will be necessary to appropriate for the benefit of this recession?

Mr. PERKINS. Mr. President, I gave the answer that the Secretary of the Interior gave to me, and if the Senator is not satisfied with it I will ask for the reading of the report. But I believe the Senate understands the measure, and, there being a unanimous demand for it, I ask to have it passed.

Mr. KITTREDGE. Mr. President, I feel that I would not be doing justice to the pending resolution if I failed to present to the Senate a document sent to the chairman and members of the Committee on Forest Reservations and the Protection of Game of the United States Senate. I send it to the desk, and ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, *April 10, 1906.*

To the honorable chairman and members of the Committee on Forestry, United States Senate.

DEAR SIRS: There is pending before your committee, House joint resolution No. 118, entitled, "Joint resolution accepting the recession by the State of California of the Yosemite Valley," etc.

Attached hereto is a copy of the act of the legislature of the State of California offering to recede and regrant the Yosemite Valley unto the United States of America.

Apart from the objections to the recession of Yosemite Valley that have hitherto been urged, based upon practical reasons as well as upon sentimental grounds, are some objections to the legal conditions that will surely result from the acceptance of the regrant of Yosemite Valley according to the terms of the act of the State legislature.

It will be assumed, as conceded, that the regrant must be accepted according to the terms of the act of the State legislature or not at all. In this connection attention is drawn to the fact that the grant is without any reservations whatsoever, nor is it coupled with any conditions except such as are set forth in section 3 of the act, namely, that the premises shall be "held for all time by the United States of America for public use, resort, and recreation, and imposing upon the United States of America the cost of maintaining the same as a national park."

In this respect this cession of territory differs from every other cession of territory made by a State to the General Government of which we have any record. Invariably in the past, when States have ceded to the General Government any part of their lands there is a reservation in the legislative act of the right to serve civil or criminal process within the lands ceded in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in the State, but outside of the cession or reservation.

A number of cases of cession of State territory to the General Government are collated in the case of Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., 925), and are there commented upon in the learned opinion of Mr. Justice Field.

The language of the act of the Kansas legislature ceding the Fort Leavenworth Military Reservation to the United States can be found at page 95 of the laws of Kansas, 1875, as well also at page 528 of 114 U. S. in the case referred to.

Justice Field, in commenting upon the reservation to the State of the right to serve civil or criminal process within the ceded territory, stated:

"The reservation which has usually accompanied the consent of the States that civil and criminal process of the State courts may be served in the places purchased is not considered as interfering in any respect with the supremacy of the United States over them, but is admitted to prevent them from becoming an asylum for fugitives from justice." (114 U. S., 533.)

The learned justice then proceeds to quote from various similar cases, incorporating in his opinion the language of the preceding cases by way of illustrating the meaning, as well as the reason, for such a reservation of State authority. Quoting from United States *v.* Cornell (2 Mason, 60), and commenting upon the reservation of the right of service of civil and criminal process, it is held:

"In its terms it certainly does not contain any reservation of concurrent jurisdiction or legislation. It provides only that civil and criminal process issued under the authority of the State, which must, of course, be for acts done within and cognizable by the State, may be executed within the ceded lands, notwithstanding the cession. Not a word is said from which we can infer that it was intended that the State should have a right to punish for acts done within the ceded lands. The whole apparent object is answered by considering the clause as meant to prevent these lands from becoming a sanctuary for fugitives from justice for acts done within the acknowledged jurisdiction of the State. Now, there is nothing incompatible with the exclusive sovereignty or jurisdiction of one State that it should permit another State in such cases to execute its process within its limits. And a cession of exclusive jurisdiction may well be made with a reservation of a right of this nature, which then operates only as a condition annexed to the cession and as an agreement of the new sovereign to permit its free exercise as quoad hoc his own process. This is the light in which clauses of this nature (which are very frequent in grants made by the States to the United States) have been received by this court on various occasions on which the subject has been heretofore brought before it for consideration, and it is the same light in which it has also been received by a very learned State court."

Again, commenting upon the case of Commonwealth *v.* Clary (8 Mass., 72), the opinion quotes as follows:

"The assent of the Commonwealth to the purchase of this territory by the United States had this condition annexed to it, that civil and criminal process might be served therein by the officers of the Commonwealth. This condition was made with a view to prevent the territory from becoming a sanctuary for debtors and criminals; and from the subsequent assent of the United States to the said condition, evidenced by their making the purchase, it results that the officers of the Commonwealth, in executing such process, act under the authority of the United States. No offenses committed within that Territory are committed against the laws of this Commonwealth, nor can such offenses be punishable by the courts of the Commonwealth, unless the Congress of the United States should give to said courts jurisdiction thereof."

Again the learned Justice refers to the opinion of the Attorney-General in the Harpers Ferry case, and repeats the same apparently with approval, namely, "that the sole object and effort of the reservation was to prevent the place from becoming a sanctuary for fugitives from justice, for acts done within the acknowledged jurisdiction of the State." (See p. 537.)

In 1854 the State of California ceded to the General Government political jurisdiction over Mare Island, but the State retained the right to serve process in the territory thus ceded. (See California Statutes, 1854.) And besides the case of the Fort Leavenworth Military Reservation, above referred to, similar reservations were made in the legislative acts ceding to the General Government Fort Riley, Mo.; Brooklyn Navy-Yard, in New York; Fort Dearborn, Ill.; Harpers Ferry, Va.; National Asylum for Disabled Volunteer Soldiers, Ohio; Charlestown Navy-Yard, Mass.; Fort Adams, R. I.; Fort Porter Military Reservation, N. Y., and others hardly necessary to mention.

In each one of these cases the question of sovereignty over the territory ceded has been before the courts, and it has been uniformly held that the retention by the State of political sovereignty over the territory ceded and the right to serve within the ceded territory criminal or civil process issued by authority of law, had the effect "to prevent the places from becoming a sanctuary for fugitives from justice for acts done by them within the acknowledged jurisdiction of the State."

It is easy to contemplate, therefore, in the light of these authorities, the deplorable result surely to flow from an acceptance of this regrant in its present form.

Other objections have been raised on both legal and sentimental grounds to the acceptance of this regrant, but perhaps no better exposition of them has ever been made than by the Hon. John B. Curtin, State senator, in his speech before the State senate of California on January 25, 1905. A copy of this speech is attached hereto, and a careful reading of the same is urged, to the end that an intelligent understanding of the entire situation might be arrived at by the gentlemen of your honorable committee.

We beg leave to remain, very respectfully, yours,

W. H. METSON.
C. S. GIDENS.

An act to recede and regrant unto the United States of America the "Yosemite Valley" and the land embracing the "Mariposa Big Tree Grove."

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The State of California does hereby recede and regrant unto the United States of America the "cleft" or "gorge" in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the "Yosemite Valley," with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the act of Congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the 'Mariposa Big Tree Grove,'" approved June 30, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 2. The State of California does hereby recede and regrant unto the United States of America the tracts embracing what is known as the "Mariposa Big Tree Grove," granted unto the State of California in trust for public use, resort, and recreation by the act of Congress referred to in section 1 of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort, and recreation, and imposing on the United States of America the cost of maintaining the same as a national park: *Provided, however,* That the recession and regrant hereby made shall not affect vested rights and interests of third persons.

Approved March 3, 1905.

Mr. PERKINS. As against the paper which has been read, I ask to have printed in the RECORD the report of the committee, which contains the recommendation of the Secretary of the Interior that the joint resolution pass. I do not ask that it be read at this time.

The VICE-PRESIDENT. Without objection, the report will be inserted in the RECORD.

The report is as follows:

[Senate Report No. 3623, Fifty-ninth Congress, first session.]

The Committee on Forest Reservations and the Protection of Game, to whom was referred the resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and making the same, with certain fractional townships, a part of the Yosemite National Park, have carefully considered the same and herewith submit their report:

The Yosemite Valley, as is well known, is one of the greatest wonders of the world, second only to which are the giant trees of the Mariposa and Calaveras big tree groves. California early recognized the importance of taking these two beautiful regions under public protection in order that they might be preserved intact for the enjoyment of all lovers of grandeur in nature. At that time the National Government had not established the policy of creating national parks, and as the civil war was then at its height it was not thought best to urge Congress to take action in the matter, other than to relinquish its claims upon the Yosemite Valley to the State of California, which was willing to bear the expense of caring for the reserve and keep it open for the use of the people. A bill introduced by Senator Conness, making the transfer to the State of California, was passed by Congress, and was approved by the President April 30, 1864. This grant by the National Government was upon the express provision that the tract conveyed should be held for "public use, resort, and recreation," and should be inalienable for all time, and that the reservation should be managed by the governor of the State, with eight other commissioners to be appointed by him, to serve without salary.

Section 2 of the same act transferred to the State of California the Mariposa Big Tree Grove upon the same stipulation and provisions that govern the Yosemite Valley. The Yosemite Valley grant comprises the whole of the valley proper, and extends back from the brink of the precipice an average distance of 1 mile, the total area within the boundaries thus fixed being 56 square miles. The Mariposa Big Tree Grove grant comprised only 2,560 acres.

September 28, 1864, Governor F. F. Low issued a proclamation reciting the act of Congress making the grants, appointed eight commissioners, and the board thus formed formally took possession of the tracts, and the State legislature accepted the trust by an act approved April 2, 1866. By the enactment of these laws the State of California became vested as trustee for the people with the "cleft or gorge" known as the "Yosemite Valley and the Mariposa Big Tree Grove."

Since that time the commissioners chosen by the different governors to supervise the management of the valley and grove have been selected from among the best citizens of California, and have invariably been men of culture, refinement, and education. With the limited appropriations made by the State legislature, the commissioners have done all that lay in their power to improve the conditions, build roads, trails, and approaches, and to provide facilities for the entertainment of tourists, the number of whom has increased steadily from year to year. The appropriations by the State of California for the care and management of the Yosemite Valley since its cession to the State have aggregated $495,622, including traveling expenses, salary of the guardian, and $60,000 appropriated to pay claims of so-called "squatters." Of this sum $40,000 was expended in the erection of a hotel for tourists and $25,000 for an electric-light plant. All the money expended was, of necessity, within the boundaries of the grant, leaving the approaches by road or trail in the hands of private transportation companies.

The consequence has been that the roads and trails leading to the valley have not been of the best, while travel over them has been made expensive. Notwithstanding this disadvantage, however, the number of visitors has increased yearly. In 1864 there were only 147 visitors to the valley, but in 1903 there were 8,376, and in the latter year so great was the travel to the valley that the commissioners were compelled to notify transportation companies at the height of the season to book no more tourists, as the limits of accommodation had been reached and hotels, camps, and tents were filled to overflowing.

The status of the Yosemite Valley and Mariposa Big Tree Grove, surrounded as they are by forest-reserve lands, is such that it has been impossible to develop the scenic resources of the region and make them as accessible to the public as could be wished. It has been demonstrated that the words of President Roosevelt regarding the Yellowstone Park apply with equal force to the Yosemite Valley. In regard to the former he says:

"The only way the people as a whole can secure to themselves and their children the enjoyment in perpetuity of what the Yellowstone Park has to give is by assuming the ownership in the name of the nation and by jealously safeguarding the scenery, the forests, and the creatures."

As long as the Yosemite Valley occupies its present relation to the surrounding national-park lands, there will be obstacles in the way of uniform protection and development which will prevent it from becoming a great national resort such as the Yellowstone Park has become, and it was with a view of placing it in a position where it could be brought under proper supervision and control that the California legislature has passed an act receding the valley and the grove to the United States. Had the Yosemite Valley grant not been in existence at the time the Yosemite National Park was established, a proposition to set apart under State jurisdiction a tract in the very heart of the park area would not have been entertained for an instant. But it is now possible to bring about a normal relation between the two areas by accepting the recession authorized by the State of California.

The recession of the Yosemite Valley to the Government is favored by the President, who, in an article published in July, 1904, says:

"As to the Yosemite Valley, if the people of California desire it, as many of them certainly do, it should also be taken by the National Government to be kept as a national park."

And in a message to Congress he makes the unqualified statement that "the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California."

The boundaries of the Yosemite National Park, as fixed by the act of February 7, 1905, included within the area of the park a strip of land in the southwest corner which is one of the very few available routes for a trolley line to the valley, and in order to open this route to construction it will be necessary to exclude it from the park and add it to the forest-reserve area. The area eliminated from the park and added to the forest reserve aggregates 10,480 acres, of which 2,640 are patented.

In order to make this available, certain changes of boundary are provided for in the resolution, as is more fully set forth in the report of the Committee on the Public Lands of the House of Representatives, which is herewith made a part of this report.

The acceptance of the recession of the Yosemite Valley is clearly in the public interest, and your committee therefore recommend the adoption of the resolution.

[House Report No. 2339, Fifty-ninth Congress, first session.]

The Committee on the Public Lands, to whom was referred the resolution (H. J. Res. No. 118) accepting the recession of the Yosemite Valley grant and the Mariposa Big Tree Grove, and for other purposes, have had the same under consideration and report thereon with a recommendation that the same be adopted.

In 1864 Congress granted to the State of California the land commonly known as the "Yosemite Valley" and the "Mariposa Big Tree Grove" in trust for public use, resort, and recreation. In 1890 Congress created the "Yosemite National Park," embracing over 1,000 square miles and entirely surrounding "Yosemite Valley," which contains but 56 square miles. This creation of an "imperium in imperio" produced such a conflict of authority in matters of road building, policing, etc., that in 1905 the State of California receded to the United States the two parcels of land above named by an act of the legislature, as follows:

"SECTION 1. The State of California does hereby recede and regrant unto the United States of America the 'cleft' or 'gorge' in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the 'Yosemite Valley,' with its branches or spurs, granted unto the State of California in trust for public use, resort, and recrea-

tion by the act of Congress entitled 'An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the "Mariposa Big Tree Grove,"' approved June 30, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of Congress.

"SEC. 2. The State of California does hereby recede and regrant unto the United States of America the tracts embracing what is known as the 'Mariposa Big Tree Grove,' granted unto the State of California in trust for public use, resort, and recreation by the act of Congress referred to in section 1 of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by said act of Congress.

"SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made." * * *

This resolution is to accept the recession tendered by the State of California. It also withdraws from entry part of two sections of land in order to square out the boundaries at one point.

The resolution also makes a slight change in the boundary of Yosemite National Park, the purpose of which is explained in the following letter from the honorable Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1906.

SIR: Your letter has been received, inclosing, for such explanations and suggestions as may be deemed advisable, House joint resolution No. 116, entitled "Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof."

In response thereto I have the honor to state that in the last annual report of the operations of this Department a recommendation was made that Congress accept the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and that the same be included, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park; and joint resolutions (S. R. 14 and H. J. Res. 77) were introduced in Congress looking to the effectuation of the recommendation of the Department in the premises.

Subsequently a conference was held at the Department with the California delegation in relation to Senate joint resolution 14, at which it was suggested that the southwestern boundaries of the Yosemite National Park be changed so as to eliminate a portion and include the same in the Sierra Forest Reserve, to permit of the construction of an electric road through the same to enable the people of southern California to have ready access to the Yosemite Valley; furthermore, that the line of the proposed road through the tract of land to be eliminated would not mar the natural curiosities or wonders within the reservation, and its operation would result in the preservation of the fine groves of timber in the southern portion of the park rather than in their destruction.

In this view of the case, therefore, the Department prepared an amendment to Senate joint resolution 14, eliminating from the Yosemite National Park and including in the Sierra Forest Reserve 10,480 acres. Of these lands, 2,640 acres are patented, and of the latter, 1,880 acres are heavy sugar and yellow pine, fir, spruce, and cedar forests. In this amendment a paragraph was also inserted providing that in the grant of any right of way for railway purposes across the lands thus placed in the Sierra Forest Reserve it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior.

House joint resolution 116, on which you request a report, is substantially in accord with the legislation recommended in the report of the Secretary of the Interior for 1905, and the amendment thereof as submitted to Hon. GEORGE C. PERKINS, United States Senate, under date of February 26, 1906. On page 5, line 2, of the bill, however, there is one typographical error, to wit, the fifth word in said line reads "lands," whereas it should read "acts."

If the resolution is amended in accordance with this suggestion, it is recommended that the measure receive favorable consideration and be enacted into law at the earliest practicable date.

In this connection it is proper to add that the Department is advised that in House joint resolution 118, introduced by Mr. GILLETT of California, referred to on page 3780, No. 67, volume 40, of the CONGRESSIONAL RECORD, the error occurring in House joint resolution 116, above mentioned, is corrected.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

HON. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

APPENDIX A.

A statement concerning the proposed recession of Yosemite Valley and Mariposa Big Tree Grove by the State of California to the United States.

[Prepared by the secretary of the Sierra Club under the direction of the board of directors, and adopted by said board as its official expression of opinion.]

The Yosemite Valley and the Mariposa Big Tree Grove were granted by Congress, in 1864, to the State in trust, "to be held for public use, resort, and recreation." Little was known of the valley at that time, and it was many years before it acquired a national reputation. At the present time it is world-famed, and is one of the valuable assets of the nation. Its loss or destruction would affect the entire United States, and every citizen of our country has a direct, vital concern in the welfare of the valley. In 1890 the much larger Yosemite National Park was created by Congress. This latter park includes in its very heart and surrounds on all sides the State park.

There has thus been created an imperium in imperio which has already given rise to much friction. This deplorable state of affairs was emphasized about a year ago, when a fire was permitted to burn some of the finest timber along both sides of the northern boundary of the State park. Both State and Federal officials insisted that the fire was outside of their respective jurisdictions. The Federal Government will always be hampered in its administration of the national park as long as the State park is under separate management. In order to reach the surrounding country, its guardians must pass through the State park, which is the natural base of operations for that whole surrounding region, and yet the Federal Government can maintain no permanent camp and base of supplies in Yosemite Valley because of the State control.

With these conditions existing, Congress is loath to make appropriations for the construction of extensive improvements, which would really result in the improvement of State property at national expense. As a result, all the roads entering the national and State parks are private toll roads, and tribute is levied on every visitor to this region. This condition of affairs is most unfortunate, and would have been remedied long ago but for the existing state of dual government.

But once reinvest the United States with authority over this heart and center of the national park, and headquarters will be established in the valley proper. A system of telephone lines will be constructed radiating from this natural center and extending to all portions of the territory embraced in the present State and national parks. This will insure an effective system of fire protection and will increase the efficiency of the patrol and policing of the park many times. We have assurance that this will be done by President Roosevelt himself, also from the Federal Commission recently appointed to investigate conditions there, and from various other Federal officials.

Maj. John Bigelow, jr., superintendent of Yosemite National Park, in his recent annual report, recommends:

First. The acquisition by the United States Government of Yosemite Valley, now owned by the State of California.

Second. The purchase of toll roads in the park leading to the valley.

Third. The purchase by the Government of certain patented lands, which are scattered over the park and constitute a considerable part of its area.

"The first of these measures," says Major Bigelow, "is believed to be necessary to secure from Congress an appropriation adequate to the improvement of roads and trails and of the park generally. It is a palpable anomaly for the valley to be under State government and the ground around it under the National Government. The valley would be rendered more attractive, and, therefore, financially more productive to the State, under National than it is under State government. The acquisition of the valley by the National Government is a matter, to be sure, in which the initiative must be taken by the State government, but I have good reasons to believe the idea that the National Government should own the valley has for some time been gaining in favor with the people of California."

2. The State is unable to properly care for Yosemite Valley.

Though the park has been under the control of the State for upward of forty years, yet even the main stage roads on the floor of the valley leading to the village are in a deplorable condition. The accommodations provided for visitors have been inadequate for years. In the summer of 1903 the State commissioners of the valley were, by reason of the congestion in accommodations provided for visitors, compelled to notify the various transportation companies not to allow any more tourists to enter the valley until the overcrowded conditions were relieved.

The State commissioners have done as well as could be expected. They receive no salary. All the time they give to the affairs of Yosemite Valley must be sacrificed from the time devoted to their regular vocations. Very few have had any previous experience which would specially fit them for the discharge of their peculiar and onerous duties. The paltry ten or fifteen thousand dollars annually at their disposal is entirely inadequate for the needs of the park. It is with difficulty that even this amount is "squeezed out" of the State treasury. The State commissioners are entitled to praise for what they have accomplished in the face of such adverse conditions.

3. In marked contrast to all this is the management of the Yellowstone National Park by the Federal Government.

The Yellowstone is in charge of Federal engineers and Army officers, who have received a life training to qualify them to perform their duties. They all receive salaries, and devote their entire time to the care and management of the park. During the three years 1901–1903 Congress appropriated nearly $700,000 for the care and maintenance of the Yellowstone. The best of skilled engineers are employed in the construction of the roads and trails of the Yellowstone, and they are kept in perfect repair. The roads are broad highways, with steel and concrete bridges.

The hotels of the Yellowstone are large, commodious establishments, first class in every respect, and with ample accommodation for its visitors.

4. State pride and sentiment is the strongest argument that has been advanced against this proposed change. But when analyzed it is found to be an entire misconception. If anything, sentiment should be all the other way. The Yosemite Valley is the property of the United States, and it has all along been the owner of the paramount title. It has, by Congressional act, allowed the State to take possession under a trust merely. To recede the valley only means to terminate the trust. The United States will not take the valley away nor close it up; but, on the contrary, will render it in every way more accessible and more enjoyable to visit, by reason of better accommodation for visitors. This sentimental argument savors too much of the "dog in the manger" policy to be considered seriously.

5. Our honored president, John Muir, who has devoted his life of activity to the best interests of our forests and natural scenery, has strongly advocated this proposed change for years. In a letter to the acting governor, written last July, he says:

"The Yosemite Valley, in the heart of the park, and essentially a part of it, should, I think, be ceded to the Federal Government and put under one management, thus insuring great improvement in present conditions through increased appropriations for roads, trails, and expert work on the valley floor, etc., thus increasing and facilitating travel, to the advantage of the entire country." (Sacramento Union, July 16, 1904.)

6. President Roosevelt favors the recession. In an article entitled "Wilderness Reserves," written for the Forest and Stream Publishing Company shortly after his western trip in 1903, reprinted in Forestry and Irrigation for July, 1904, he says:

"As to the Yosemite Valley, if the people of California desire it, as many of them certainly do, it should also be taken by the National Government to be kept as a national park."

And in his recent message to Congress he makes the unqualified statement that, "the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California."

7. The Native Sons are strongly in favor of the recession. Grand President McNoble made this recommendation the strongest feature of his annual report.

8. A committee of the State board of trade reports that—

" * * * the board has been impressed by the arguments made

by the Native Sons of the Golden West in favor of recession to the Federal Government, and the incorporation of the valley and Big Tree Grove with existing national park and forest reservations; also, that such recession will put an end to the inconvenience and risks of a divided jurisdiction now existing by reason of the State control of the valley and the Big Tree Grove, while each is surrounded by Federal reservations under the jurisdiction of the United States." (San Francisco Call, September 14, 1904.)

9. The board of directors of the Sierra Club, by unanimous vote, authorized the appointment of this committee to urge such action.

10. The California Water and Forest Association adopted the following resolution at its annual convention on December 2, 1904:

"*Resolved*, That the proposition to cede the Yosemite Valley back to the United States Government should receive the earnest consideration of the legislature, to the end that more commodious accommodations may be provided for making such valley accessible to the general public, and we recommend such transfer."

11. The San Francisco Chamber of Commerce, that of Oakland, and other cities, and many other influential bodies have also favored the recession,

12. The various newspapers throughout the State have almost without exception indorsed the proposed change in editorial comment. Not one dissenting opinion has come to our notice. Since these comments outline some of the arguments to be given in favor of the proposed change, and since they voice in a degree the sentiment of the people on the question, extracts from a few of these expressions of opinion are given in the appendix hereto.

13. In conclusion, the past has demonstrated that the Yosemite Valley is of a national character, and every citizen of the United States is vitally interested in its welfare. The State assumed the burden of caring for it, and has expended its money for the benefit of every citizen of the United States. Forty years has proven that the State can not afford to appropriate out of the funds at its disposal a sufficient amount to adequately care for this national park. California has vital interests which concern her alone. She has forests to protect from fire; she has flood-water problems; she has a State Redwood Park; she has multitudinous interests which demand the expenditure of her own money. She can obtain no funds elsewhere for this work, for her citizens only are vitally affected by such expenditures. Her funds even now are far short of being adequate to meet the growing necessities of this great State. The Yosemite Valley requires the expenditure of at least $100,000 every year for its proper care and management. A hotel is absolutely required to be constructed in the valley at a cost of at least $200,000. The State can not afford to appropriate this amount.

But the United States is amply able to do this, and will, if given the opportunity. Therefore, the Yosemite Valley and Mariposa Big Tree Grove should be receded to the United States, and thereby become a part of the national park, to which it naturally belongs. The result would be the improvement of the valley and national park by the construction of the best of roads, bridges, and trails. Ample hotel accommodations of the best quality would be provided. A telephone system for the entire park to guard against forests fires would be inaugurated. The patrol system of the national park would be rendered far more effective and the valley itself placed under the same system, so that perfect order would prevail, no matter how great the number of visitors. The toll-road system would be abolished, and in all probability a splendid boulevard constructed up the Merced Canyon, which would reduce the time and expense of travel one-half and greatly increase the comfort. This would attract immense numbers of tourists from all parts of the world who are now deterred by the arduous nature of the trip and the lack of accommodation.

Each of these tourists would not only learn something of our great State, but would spend money in it. Few of us even begin to dream of the wealth that will some day be poured into California by the multitude of travelers who will annually come to enjoy our unparalleled scenic attractions. We want to hasten that day, and we trust that the members of the State legislature will do their part in aiding to bring about this result by receding the Yosemite Valley and the Mariposa Grove of Big Trees to the National Government.

Respectfully submitted.

JOHN MUIR, *President*,
WM. E. COLBY, *Secretary*,
GEORGE DAVIDSON,
WM. R. DUDLEY,
J. S. HUTCHISON, Jr.,
J. N. LE CONTE,
A. G. MCADIE,
ELLIOTT MCALLISTER,
WARREN OLNEY,
Board of Directors of the Sierra Club.

APPENDIX B.

The Yosemite Valley is a wonder of nature of really national magnitude, and, like the Yellowstone Park, more fitly cared for by the nation than by any State. It also happens that the valley is actually inclosed within a much larger national park, and that conflicts of jurisdiction, involving serious results, have already occurred. The entire area of both parks constitutes one natural administrative unit, and it is believed that there is a growing feeling in Congress that such an arrangement should be made. (San Francisco Chronicle, Aug. 21, 1904.)

If the reports from the mountains last summer were true, there is danger in divided jurisdiction, for it was said that when the most destructive fire that ever visited the vicinity of the valley was raging, the State superintendent of the valley and the military superintendent of the park stood for days disputing whether the fire was on Federal or State territory, until it gained such headway that their combined forces could not master it until it had destroyed the fine forest extending from the Wawona road to Glacier Point. A single jurisdiction would render such a catastrophe from such a cause impossible. (San Francisco Call, Nov. 18, 1903.)

Major Chittenden, United States Army, chairman of the Federal commission appointed to investigate and report on matters pertaining to the Yosemite National Park, said that in case the valley was ceded to the United States, and that the Government would agree to assume the care and management of the valley, a fort would be erected in the valley and a system of permanent telephone stations established to give proper protection to the forests from fire. (San Francisco Examiner, July 16, 1904.)

It would be better for Yosemite if it were in the hands of the Federal Government. The Interior Department has control of the great Yosemite Reserve encircling the valley for miles in all directions, and could, without extra expense, supervise the valley as well. Yosemite Valley really belongs to the United States. It should be looked upon as a possession of all the people, and should be made more easily accessible to all. It should receive the attention that the Federal Government could give it. More money would be expended upon it, more care devoted to it, and the expenses of visitors should be greatly reduced. It would become what it should be—a people's park. (Oakland Enquirer, July 28, 1904.)

The failure of the State to provide for the proper accommodation of visitors to the valley has provoked a widespread demand that the reservation be receded to the Federal Government. Should the recession be made, there is no doubt that Congress would speedily provide the necessary accommodations as well as the other facilities to enable sight-seers to visit the valley and its surroundings under the most favorable conditions. The valley should be managed in the interest of the public to whom it belongs, and the convenience of the public should be the first consideration in making improvements. (Oakland Tribune, Sept. 14, 1904.)

State pride may prevent the legislature taking any such action, but there is no question that it ought to be done. The present system of divided jurisdiction paralyses all effort for the satisfactory administration of this greatest of natural wonders. Since it is out of the question for the nation to cede the park to the State, the State ought to cede the valley to the nation. (Fresno Republican, July 16, 1904.)

Under the absolute control of the United States Government the valley would have the best of care. Money for every needed improvement would be forthcoming. It would be carefully policed, and the chances for graft or political jobs would be reduced to a minimum. The citizens of California would enjoy every right in the valley that liberal but well-enforced regulations would permit. It would be "our" valley still. Uncle Sam could not run away with it, and he would certainly be a careful and at the same time indulgent guardian. The fact that the Government is willing to accept the trust is fortunate, and those who appreciate the situation will doubtless hope to see favorable action by the next legislature on Muir's proposal. (Stockton Record, July 12, 1904.)

Up to this time State management has been reasonably efficient, but in State hands the administration of the park must always more or less be involved in politics, whereas the Government would be able to administer it through the Army precisely as it administers the national park in the Yellowstone country. (Sacramento Union, April 22, 1902.)

There is a strong probability that the Yosemite Valley will be receded to the Federal Government by the State of California in the near future. Such a move would probably tend to a greater improvement of the park, as the expenses connected with keeping the great natural wonder open to the public are considerable and can be better sustained by Uncle Sam than the State of California. It would also tend to a quick abolition of toll roads, make a trip to the valley fraught with less expense to travelers and in the reach of almost everyone. (The New Era, Tuolumne, Cal., May 7, 1904.)

The only arguments that have been presented opposing the transfer are along the line of State pride. When this is analyzed, however, it does not appear justifiable. The park must necessarily remain forever in California, and the retention of title by the State means merely the inadequate continuance of a struggle to meet the obligations demanded by the magnitude of the situation and the traveling public. Public opinion largely favors the transfer. (Los Angeles Times, November 9, 1904.)

Yosemite is one of California's best assets. Every visitor it attracts from abroad is a source of profit to the people of this State, consequently the more sight-seers for the valley the more profit to Californians. The Government will do what the State has neglected to do, and do it better. (Oakland Tribune, November 26, 1904.)

"Whereas the Yosemite Valley and the Mariposa Big Tree Grove are among the scenic wonders of the world, and the pride, not only of California, but of the whole Union; and

"Whereas their proper maintenance and improvement imposes upon the people of California a burden which, in view of the fact that said valley and grove are national exhibits, should be borne by the National Government; and

"Whereas we believe that the National Government is alone able to undertake the expenditures necessary to properly improve said valley and grove by providing easy means of access, well-planned roads, trails, and other attractive features:

"*Resolved*, That the board of directors of the Chamber of Commerce of Santa Barbara County hereby desires to go on record as favoring the recession to the National Government of the Yosemite Valley and the Mariposa Grove, to the end that these natural wonders may receive the improvements which they deserve and the consequent attention from the world that they merit." (Santa Barbara Press, December 3, 1904.)

It is rumored that, moved by the admirable conduct and supervision of the Yosemite National Park, the State of California is likely, at the approaching session of the legislature, to recede to the United States the smaller Yosemite grant of 1864, which is in the park but not of it. It is absurd and wasteful that there should be two jurisdictions within one boundary, and the people of California are to be congratulated on the prospect of this wise consummation, which Congress should facilitate by a prompt acceptance of the duty of caring for the whole of the Yosemite wonderland. (Century Magazine, December, 1904.)

The superintendent of the Yosemite National Park recommends that the Federal Government "acquire" the Yosemite Valley, which it once gave to the State of California. It is to be hoped that this most desirable end may be accomplished at the coming session of the California legislature. The reasons for this course are abundant and conclusive. In the first place it is really, as its name implies, a "national" and not a State park. Its natural wonders are national in their magnitude, national in their interest, and national in the scale of expenditure required to make them accessible and protect them from impairment. They should be national, also, in their custody. This sentimental view would perhaps not be altogether conclusive were California rich enough to incur the expenditure involved in the ownership and protection of the park. Unfortunately this State is not rich enough, and practical considerations coincide with the sentimental in requiring that this wonderful valley be restored to the nation, which alone is able to care for it. From all sides come imperative demands for largely increased expenditures on the park, with which this State is positively unable to comply. For the next quarter of a century the State will be compelled to tax itself to the full limit of endurance for purposes essential to our material prosperity or for the fulfillment of moral obligations which must take precedence even of so noble an object as the Yosemite Valley. We have recently acquired a State park in the Big Basin of Santa Cruz County, and the forest fires of last summer admonished us that if we are to preserve that magnificent body of timber for the enjoyment of future generations we must incur heavy

expense in protecting it from fire. The State, in fact, can not afford for the present to expend any more money on parks than it will be absolutely compelled to expend to prevent the destruction by fire of the forests of the Big Basin. The Federal Government should—and probably will, if desired—assume charge of the Yosemite Park as it has of the Yellowstone Park, and the legislation required for that purpose by our legislature should be enacted at the coming session. (San Francisco Chronicle, November 28, 1904.)

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN PENSACOLA, FLA.

Mr. GALLINGER. I ask the Secretary to turn to page 28 of the appropriation bill.

Mr. MALLORY. I ask the Senator from New Hampshire to yield to me to take up a bill of half a dozen lines. I do not think it will take five minutes.

Mr. GALLINGER. I will ask the Senator what the bill is, if he pleases.

Mr. MALLORY. It is a bill to relinquish the interest of the United States to certain land in the city of Pensacola, Fla.

Mr. GALLINGER. If it does not lead to debate I will yield, and then I shall insist on proceeding with the appropriation bill.

Mr. MALLORY. I ask the Senate to proceed to the consideration of the bill (S. 360) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, at the end of the bill, in line 11, after the word "Florida," to insert "and his successors;" so as to make the bill read:

Be it enacted, etc., That all the interest of the United States in and to the land in the city of Pensacola, in the State of Florida, known and described on the plat of said city of Pensacola as lots 1 and 2, between the squares and the lot on the east side of the Square of Ferdinand the Seventh, known as the "Catholic Church lot," is hereby relinquished and released to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., trustee for the Catholic congregation of Pensacola, Fla., and his successors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MALLORY, the title was amended so as to read: "A bill to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., and his successors, in trust for the Catholic congregation of Pensacola, Fla."

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes.

Mr. GALLINGER. I ask the Secretary to go back to page 28 for a moment. I move to amend the amendment so that it will read:

Massachusetts avenue from Sheridan circle to S street, $6,900.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. GALLINGER. I suggest that the total will have to be changed.

The VICE-PRESIDENT. The total will be changed to correspond.

Mr. GALLINGER. Now, if the Secretary will turn to page 41, there is a committee amendment which was passed over. I ask that the date be made June 8. Let the Secretary read the amendment with this date filled in the blank.

The SECRETARY. On page 41, after line 7, the committee report to insert the following paragraph:

For two attendance officers, authorized by the act providing for compulsory education in the District of Columbia, approved June 8, 1906, at $600 each, $1,200.

The amendment was agreed to.

Mr. GALLINGER. Now, if the Secretary will turn to page 50, line 23, in the item for text-books and school supplies; let "$53,000" be changed to "$54,000."

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. GALLINGER. Now, let the reading be continued on page 56.

The Secretary resumed the reading of the bill at line 14, page 56.

The next amendment of the Committee on Appropriations was, on page 56, line 16, to increase the appropriation for fuel for the police department from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 11, to insert:

For purchase of a site for a station house in Anacostia, $2,400.

The amendment was agreed to.

The next amendment was, on page 57, line 14, to increase the total of the appropriation for miscellaneous expenses of the police department from $43,755 to $46,655.

The amendment was agreed to.

The next amendment was, on page 58, line 3, before the word "salaries," to insert "$120 additional yearly compensation to the person acting as superintendent of the house of detention, and;" in line 4, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 6, before the word "dollars," to strike out "four hundred" and insert "five hundred and forty;" and in line 9, before the word "dollars," to strike out "eleven thousand one hundred and twenty" and insert "twelve thousand eight hundred and sixty;" so as to make the clause read:

House of detention: To enable the Commissioners of the District of Columbia to provide transportation, including the purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age and, in the discretion of the Commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including $120 additional yearly compensation to the person acting as superintendent of the house of detention, and salaries of two clerks, at $900 each; four drivers, at $540 each; one hostler, $540; six guards, at $600 each; and two matrons, at $600 each; $12,860, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, line 11, after the word "For" where it occurs the second time, to strike out "one lieutenant in the police department, who shall also be harbor master, $1,320; one sergeant, $1,140;" and in line 19, before the word "dollars," to strike out "four thousand six hundred and eighty" and insert "two thousand two hundred and twenty;" so as to make the clause read:

For harbor patrol: For one engineer, $840; one fireman, $480; one watchman, $420; one deck hand, $480; in all, $2,220.

The amendment was agreed to.

The next amendment was, on page 58, line 21, to increase the appropriation for fuel, construction, maintenance, repairs, and incidentals for harbor patrol from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

For repair of the patrol and harbor boat Vigilant, $700.

The amendment was agreed to.

The next amendment was, on page 58, line 24, to reduce the total appropriation for harbor patrol from $6,180 to $4,920.

The amendment was agreed to.

The next amendment was, in the items "For the fire department," on page 59, line 22, to increase the appropriation for repairs and improvements to engine houses and grounds from $8,000 to $9,000.

The amendment was agreed to.

The next amendment was, on page 59, line 24, to increase the appropriation for repairs to apparatus and for new apparatus and new appliances from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 59, line 25, to increase the appropriation for purchase of hose for the fire department from $12,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 60, line 1, to increase the appropriation for fuel for the fire department from $12,000 to $14,000.

The amendment was agreed to.

The next amendment was, on page 60, line 2, to increase the appropriation for the purchase of horses for the fire department from $13,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 9, to increase the total appropriation for miscellaneous expenses of the fire department from $96,360 to $103,360.

The amendment was agreed to.

The next amendment was, on page 60, line 13, before the word "Benning," to insert "or near;" and in line 15, before the

word "thousand," to strike out "twelve" and insert "twenty-four;" so as to make the clause read:

Increase, fire department: For house and furniture for chemical engine company to be located at or near Benning, D. C., including cost of connecting said house with fire-alarm headquarters, $24,000.

The amendment was agreed to.

The next amendment was, on page 60, line 20, before the word "thousand," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

For site, house, and furniture for a combination house, engine and truck, to be located north of Florida avenue, east of Rock Creek and west of Eighteenth street, including cost of connecting said house with fire-alarm headquarters, $40,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

For one second size steam fire engine, $5,300.

The amendment was agreed to.

The next amendment was, on page 61, line 5, to increase the total appropriation for the increase in the fire department from $57,000 to $79,300.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 61, line 11, after the word "each," to insert "two sanitary and food inspectors, at $1,000 each;" in line 17, after the word "dollars," to insert "inspector of marine products, $1,200;" in line 22, after the word "each" where it occurs the second time, to insert "clerk, $900;" and on page 62, line 7, before the word "hundred," to strike out "forty-seven thousand three" and insert "fifty-one thousand four;" so as to make the clause read:

For health officer, $3,500; chief inspector and deputy health officer, $1,800; fourteen sanitary and food inspectors, at $1,200 each; two sanitary and food inspectors, at $1,000 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; inspector of marine products, $1,200; chief clerk and deputy health officer, $2,200; clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $900; clerk, $600; messenger and janitor, $600; pound master, $1,500; laborers, at not exceeding $40 per month, $1,920; driver, $540; four sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each, and three sanitary and food inspectors, at $900 each, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto; in all $51,460.

The amendment was agreed to.

The next amendment was, in the items of appropriation for miscellaneous expenses of the health department, on page 63, line 10, to increase the appropriation for the enforcement of the provisions of an act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, from $20,300 to $30,000.

The amendment was agreed to.

Mr. GALLINGER. In line 8, on page 63, after the word "harness" I move to insert the words "rent of stable."

The amendment was agreed to.

Mr. GALLINGER. After line 11, as a separate paragraph, I move to insert:

For rent of stable, $120.

The amendment was agreed to.

The next amendment was, on page 63 after line 11, to strike out:

For one medical inspector at smallpox hospital, $2,000; one cook at smallpox hospital, $300; one laundress at smallpox hospital, $300; one engineer at smallpox hospital, $720; in all, $3,320; and said medical inspector and other employees shall give bond, suitable to the Commissioners, conditional upon the faithful performance of the respective duties which may be required of them by the health officer, and particularly of such duties as they may be called upon to perform at the smallpox hospital and the quarantine station.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

For maintenance of an additional pound wagon, $500.

Mr. GALLINGER. After the word "wagon" I move to insert "including personal services."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, line 7, after the word "of," to strike out "section 4 of;" in line 9, after the word "ninety-six," to insert "and an act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906;" and in line 13, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For emergency fund for the enforcement of the provisions of an act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896, and an act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "Courts," on page 66, line 3, after the word "dollars," to insert "janitor, $540;" and in line 4, before the word "dollars," to strike out "four hundred" and insert "nine hundred and forty;" so as to make the clause read:

Juvenile court: For judge, $3,000; clerk, $2,000; chief probation officer, $1,500; probation officer, $900; janitor, $540; in all, $7,940.

The amendment was agreed to.

The next amendment was, on page 66, line 6, before the word "dollars," to strike out "two hundred" and insert "one thousand;" so as to make the clause read:

Miscellaneous: For compensation of jurors, $1,000.

The amendment was agreed to.

The next amendment was, on page 66, line 7, before the word "hundred," to strike out "three" and insert "six;" so as to make the clause read:

For rent, $600.

The amendment was agreed to.

The next amendment was, on page 66, line 8, after the word "furniture," to insert "fixtures and equipments;" so as to make the clause read:

For furniture, fixtures, and equipments, $600.

The amendment was agreed to.

The next amendment was, on page 66, line 13, after the word "refuse," to insert "telephone service, traveling expenses;" and in line 16, before the word "hundred," to strike out "nine" and insert "one thousand two;" so as to make the clause read:

For fuel, ice, gas, and laundry work, stationery, printing, law books, books of reference, periodicals, typewriter and repairs thereto, binding and rebinding, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, and other incidental expenses not otherwise provided for, $1,200.

The amendment was agreed to.

The next amendment was, in the items of appropriation for miscellaneous expenses of the courts of the District of Columbia, on page 66, line 17, to increase the total appropriation for miscellaneous expenses from $2,000 to $3,400.

The amendment was agreed to.

The next amendment was, on page 67, line 1, after the word "dollars," to insert "assistant engineer, $720; fireman, $360;" in line 4, after the word "dollars," to strike out "bailiff, $600," and insert "five bailiffs, at $600 each; night watchman, $630; one matron for women's toilet, $600; three charmen, at $360 each;" and in line 9, before the word "dollars," to strike out "twenty-one thousand and ninety" and insert "twenty-six thousand eight hundred and eighty;" so as to make the clause read:

Police court: For two judges, at $3,000 each; clerk, $2,000; two deputy clerks, at $1,500 each; two deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,500; three bailiffs, at $900 each; deputy marshal, $1,000; janitor, $540; engineer, $900; assistant engineer, $720; fireman, $360; assistant janitors, $450; five bailiffs, at $600 each; night watchman, $630; one matron for women's toilet, $600; three charmen, at $360 each; in all, $26,880.

The amendment was agreed to.

The next amendment was, on page 67, line 17, to increase the appropriation for repairs to the building in use as the police court from $300 to $500.

The amendment was agreed to.

The next amendment was, on page 67, line 19, to increase the appropriation for fitting up and furnishing complete the new police court building from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the total appropriation for miscellaneous expenses of the police court from $17,700 to $20,900.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 69, line 11, after the word "and," to strike out "three messengers" and insert "seven assistant messengers;" and in line 14, before the word "dollars," to strike out "ten thousand and eighty" and insert "twelve thousand nine hundred and sixty;" so as to make the clause read:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and seven assistant messengers, at $720 each; in all, $12,960, to be expended under the direction of the Attorney-General.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 70, line 2, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 6, before the word "hundred," to strike out "two" and insert

"four;" and in line 8, before the word "dollars," to strike out "thirteen thousand three hundred and forty" and insert "fourteen thousand five hundred and sixty;" so as to make the clause read:

Board of charities: For secretary, $3,000; clerk, $1,200; stenographer, $1,200; messenger, $600; one inspector, $900; six inspectors, at $720 each; four drivers, at $600 each; hostler, $540; traveling expenses, $400; in all, $14,560.

The amendment was agreed to.

The next amendment was, on page 70, after line 8, to strike out:

Provided, That from and after July 1, 1906, all appropriations under the general head of "Charities and corrections," any portion of which is payable from the revenues of the District of Columbia, for medical charities, for child-caring institutions, for temporary homes, and for other institutions of like character, shall be expended under the direction of the Commissioners of the District of Columbia, and shall be disbursed by the disbursing officer of the District of Columbia upon itemized vouchers duly audited and approved by the auditor of said District, in the manner now prescribed by law.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 71, line 3, to increase the appropriation for engineer at the Washington Asylum from $600 to $720.

The amendment was agreed to.

The next amendment was, on page 72, line 5, to increase the total appropriation for the maintenance of the Washington Asylum from $34,561 to $34,681.

The amendment was agreed to.

The next amendment was, on page 72, after line 13, to insert:

For payment to the beneficiaries named in section 3 of "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, $200, or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of said District.

The amendment was agreed to.

The next amendment was, on page 73, line 3, before the word "dollars," to strike out "one hundred and eighty" and insert "two hundred and forty;" in line 5, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty;" in line 6, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 8, after the word "dollars," to strike out "one nurse, $360," and insert "two nurses, at $360 each;" in line 12, after the word "each," to insert "blacksmith and woodworker, $500;" in line 15, after the word "dollars," to insert "four servants, at $144 each;" and in line 19, before the word "dollars," to strike out "nine thousand three hundred and sixty" and insert "eleven thousand two hundred and seventy-six;" so as to make the clause read:

Home for the aged and infirm: Superintendent, $1,200; matron, $600; clerk, $900; baker, $420; two female attendants, at $240 each; chief cook, $600; two male attendants, at $480 each; chief engineer, $720; assistant engineer, $480; physician and pharmacist, $480; two nurses, at $360 each; two assistant cooks, at $180 each; farmer, $540; two farm hands, at $360 each; blacksmith and woodworker, $500; tailor, $240; seamstress, $240; laundryman, $300; four servants, at $144 each; hostler and driver, $240; in all, $11,276.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

For installing a laundry plant, including washers, extractors, mangle, and all necessary machinery and equipment, $4,000.

The amendment was agreed to.

The next amendment was, on page 74, line 15, before the word "thousand," to strike out "four" and insert "five;" so as to make the clause read:

For acquiring, by purchase or condemnation, additional ground, being part of lot 7 in the subdivision of Bellevue or Blue Plains, containing 19 acres, more or less, bounded on three sides by the ground purchased by the District of Columbia for a site for a municipal almshouse and a burial place for the indigent dead, or so much thereof as may be necessary, $5,000.

The amendment was agreed to.

The next amendment was, on page 75, line 1, before the word "teachers," to strike out "five" and insert "seven;" and in line 6, before the word "dollars," to strike out "eight thousand four hundred and five" and insert "nine thousand three hundred and sixty-five;" so as to make the clause read:

Reform School for Girls: Superintendent, $1,200; treasurer, $600; matron, $600; two teachers, at $600 each; overseer, $720; seven teachers of industries, at $480 each; engineer, $600; assistant engineer, $420; night watchman, $365; laborer, $300; in all, $9,365.

The amendment was agreed to.

The next amendment was, on page 75, line 12, before the word "dollars," to strike out "ten" and insert "twelve;" so as to make the clause read:

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, $12,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 12, to insert:

For repairs to building, $3,000.

The amendment was agreed to.

The next amendment was, on page 75, line 14, to increase the total appropriation for the maintenance of the Reform School for Girls from $18,405 to $24,365.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 75, after line 21, to strike out:

To enable the board of charities to provide for care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements to be made with hospitals and dispensaries, including the Home for Incurables, and in carrying into effect this appropriation the board of charities may contract with any hospital or dispensary, or said Home, existing in the District of Columbia April 1, 1906, and organized or established prior to that date, and with no others, $104,000; and the board of charities shall report to Congress at the beginning of its next session the terms of all contracts or agreements made hereunder up to December 1 next, the institutions with whom made, and the amount per annum involved in each contract or agreement.

And in lieu thereof to insert:

For the care and treatment of indigent patients, under a contract to be made with the Freedmen's Hospital and Asylum by the board of charities, $25,500, or so much thereof as may be necessary.

For the care and treatment of indigent patients, under a contract to be made with the Columbia Hospital for Women and Lying-in Asylum by the board of charities, not to exceed $20,000.

For repairs to Columbia Hospital building, $2,000.

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the board of charities, not to exceed $15,000.

For the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association by the board of charities, not to exceed $8,500.

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Central Dispensary and Emergency Hospital by the board of charities, $10,000.

For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the board of charities, $2,000.

For the Women's Clinic, maintenance, $750.

For Washington Home for Incurables, maintenance, including elevator, $7,000.

For care and treatment of indigent patients, under a contract to be made with the Georgetown University Hospital by the board of charities, $4,000.

For care and treatment of indigent patients, under a contract to be made with the George Washington University Hospital by the board of charities, $4,000.

To enable the board of charities to provide for emergency care and treatment of, and free dispensary service to, indigent patients, under contracts or agreements with hospitals and dispensaries, $5,000: *Provided*, That no part of this sum shall be used to establish or maintain any hospital or dispensary not now existing in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 78, line 16, before the word "dollars," to strike out "five" and insert "eight;" in the same line, after the word "dollars," to insert "probation officer, $1,200;" and in line 24, before the word "hundred," to strike out "six thousand four" and insert "seven thousand nine;" so as to make the clause read:

For agent, $1,800; probation officer, $1,200; executive clerk, $1,080; placing officer, $900; placing officer $720; investigating clerk, $720; record clerk, $660; visiting inspector, $480; messenger, $360; in all, $7,920.

The amendment was agreed to.

The next amendment was, on page 79, line 11, to increase the total appropriation for the maintenance of the Board of Children's Guardians from $79,520 to $81,020.

The amendment was agreed to.

Mr. GALLINGER. On page 79, line 23, before the word "dollars," I move to strike out "six hundred" and insert "seven hundred and twenty."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 79, line 23, before the word "dollars," it is proposed to strike out "six hundred" and insert "seven hundred and twenty;" so as to read:

Engineer, $720.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 79, line 25, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty;" on page 80, line 1, before the word "dollars," to strike out "two hundred and sixteen" and insert "two hundred and forty;" and in line 5, before the word "dollars," to strike out "three hundred and twenty-four" and insert "four hundred and sixty-eight;" so as to make the clause read:

For the Industrial Home School: For superintendent, $1,200; matron, $480; two matrons, at $360 each; two assistant matrons, at $300 each;

housekeeper, $360; sewing teacher, $360; nurse, $300; manual training teacher, $600; florist, $600; engineer, $600; farmer, $480; cook, $240; laundress, $240; two housemaids, at $144 each; temporary labor, not to exceed $400; in all, $7,468.

Mr. GALLINGER. On page 80, line 4, before the word "dollars," I move to amend the amendment by striking out the words "four hundred and sixty-eight" and inserting "five hundred and eighty-eight," so as to make the total $7,588.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 10, before the word "dollars," to insert "one hundred and forty-four;" so as to make the clause read:

In all, $17,144.

The VICE-PRESIDENT. To correspond with the amendment heretofore made, the total will be changed to $264. The question is on the amendment as thus modified.

The amendment as modified was agreed to.

The next amendment was, on page 80, line 12, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For repairs and improvements to buildings and grounds, $2,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

For a reserve pump and motor for the sewage-pumping plant of the Industrial Home School, $800.

The amendment was agreed to.

The next amendment was, on page 81, line 2, to increase the appropriation for care and maintenance of children under a contract to be made with the Washington Hospital for Foundlings by the board of charities from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 81, line 5, to increase the appropriation for the care and maintenance of children under a contract to be made with St. Ann's Infant Asylum by the board of charities from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 81, line 13, before the word "dollars," to insert "two hundred;" in line 14, before the word "cook," to insert "clerk, $720;" and in line 18, before the word "dollars," to strike out "three thousand five hundred," and insert "four thousand four hundred and twenty;" so as to make the clause read:

For municipal lodging house and wood and stone yard, namely: For superintendent, $1,200; clerk, $720; cook, $360; and laborer, $360; maintenance, including rent, $1,780; in all, $4,420.

The amendment was agreed to.

The next amendment was, on page 81, line 21, before the word "dollars," to insert "two hundred;" in line 23, before the word "hundred," to strike out "seven" and insert "five;" and in line 24, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,200; janitor, $360; and cook, $360; maintenance, $3,580; in all, $5,500, to be expended under the direction of the Commissioners of the District of Columbia, and ex soldiers and sailors of the Spanish war shall also be admitted to the Home.

The amendment was agreed to.

The next amendment was, on page 82, line 10, after the word "provided," to strike out "in sections 4844 and 4850 of the Revised Statutes" and insert "by law;" so as to make the clause read:

Hospital for the Insane: For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided by law, $272,800.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 83, line 22, before the word "hundred," to strike out "four" and insert "one thousand five;" so as to make the clause read:

For lockers, furniture, and gymnastic apparatus for armories, $1,500.

The amendment was agreed to.

The next amendment was, on page 84, line 4, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" so as to make the clause read:

For custodian in charge of United States property and storerooms, $1,000.

The amendment was agreed to.

The next amendment was, on page 84, line 13, before the word "thousand," to strike out "fifteen" and insert "seventeen;" and in the same line, after the word "dollars," to insert "and $4,000, or so much thereof as may be necessary, of the sum appropriated for these objects for the fiscal year 1906 shall be available for expenses of rifle practice and matches and for repair of practice ships for that year;" so as to make the clause read:

For expenses of camps, instruction, practice marches, and practice cruises, $17,000; and $4,000, or so much thereof as may be necessary, of the sum appropriated for these objects for the fiscal year 1906 shall be available for expenses of rifle practice and matches and for repair of practice ships for that year.

The amendment was agreed to.

The next amendment was, on page 85, line 19, before the word "hundred," to strike out "three" and insert "five;" so as to make the clause read:

For general incidental expenses of the service, $500.

The amendment was agreed to.

The next amendment was, on page 85, after line 19, to insert:

For building for use of the naval battalion, with the necessary lockers and other equipments, $6,300.

The amendment was agreed to.

The next amendment was, on page 85, after line 22, to insert:

WATER METERS.

For the purchase, installation, and maintenance of water meters to be placed in such private residences as may be directed by the Commissioners of the District of Columbia; said meters at all times to remain the property of the District of Columbia; to be repaid from revenues of the water department at the rate of $20,000 per annum, beginning with the fiscal year to end June 30, 1908, $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 86, line 14, to increase the number of clerks at $1,000 each in the revenue and inspection branch from two to three.

The amendment was agreed to.

The next amendment was, on page 88, line 6, to increase the total appropriation for the distribution branch of the water department from $84,666 to $85,666.

The amendment was agreed to.

The next amendment was, on page 88, line 23, before the word "trunk," to insert "service and;" and on page 89, line 5, after the word "appropriated," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be paid from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Holly Manufacturing Company, of Buffalo, N. Y., the sum of $6,880, deducted by the Commissioners of the District of Columbia as a penalty under contract No. 3324, dated November 11, 1903, and supplemental contract No. 3324, dated February 24, 1905.

The amendment was agreed to.

Mr. GALLINGER. On line 8, page 90, section 2, at the end of the line, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, page 90, line 8, after the word "exceed," it is proposed to strike out "fifty" and insert "sixty."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 93, after line 18, to insert as a new section the following:

SEC. 7. That until and including June 30, 1907, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901, June 1, 1902, March 3, 1903, April 27, 1904, and March 3, 1905, not reimbursed to the Treasury of the United States on or before June 30, 1907, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1907, together with interest thereon at the rate of 2 per cent per annum until so reimbursed: *Provided further*, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

Mr. GALLINGER. On page 94, line 24, of the committee amendment, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 7, page 94, line 24, before the

word "street," it is proposed to insert "acquisition of land for;" so that it will read:

The cost of acquisition of land for street extensions, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 95, line 3, to change the number of the section from 7 to 8.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. Yesterday the provisions relating to public schools, on page 41, were stricken out. With those provisions went an amendment that the committee had proposed to the bill. This morning I moved to insert that amendment with an amendment. I simply mention this that the clerks may get the matter right. The amendment was in relation to two attendance officers, etc. It is now in the bill with an amendment inserting the date "June 8" in the blank. That is understood.

The VICE-PRESIDENT. That is understood.

Mr. NELSON. I offer the amendment which I send to the desk, to come in on page 68, line 7, after the word "thousand."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, under the subheading "Justices of the peace," line 7, after the word "thousand," it is proposed to insert "five hundred;" so as to read:

For six justices of the peace, at $2,500 each.

Mr. GALLINGER. Mr. President, in reference to that amendment I desire to make an observation. The Code of Law of the District of Columbia provided that there should be ten justices of the peace, at a salary of $3,000 each. That salary was paid for, I think, about six months, when in an appropriation bill the salary was reduced to $2,000 each a year, which has been paid since that date—I think since June 30, 1902. Last year the number of justices was reduced from ten to six, and the salary was allowed to remain at $2,000. There is a very strong argument, I will suggest, in favor of giving an increase of salary to these six men, they doing the work now that ten men formerly did. They act as judges of the police court in the absence or disability of the judges of that court, and we have established a new court for juvenile offenders, and one of these justices will have to preside there in the event of the judge of that court being absent or incapacitated for service. So that I will not resist the amendment the Senator from Minnesota has offered. It will go to conference, and we will give the matter careful consideration.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. NELSON. In support of the amendment, I ask that the statement which I send to the desk may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

[Senate Document No. 423, Fifty-ninth Congress, first session.]

Salaries paid justices of the peace in the District of Columbia.

STATEMENT OF FACTS.

I. Under the code, providing for the appointment of justices of the peace, approved March 3, 1901, and amended January 31 and June 30, 1902, it is provided that each of said justices of the peace shall receive an annual salary of $3,000, and the further sum of $250 annually for rent, stationery, and other expenses, etc.

It will be seen that this amendment is asking that the salary as fixed by law be given to these justices of the peace. Six months after this law first went into effect, and for six months after the justices qualified, they were paid at the rate of $3,000 per annum; but subsequent appropriations only provided $2,000 instead of the $3,000.

II. Under the said code as amended the justices of the peace in and for the District of Columbia are given jurisdiction in all civil cases in which the amount involved, or claimed to be due, for debt or damage arising out of contracts, express or implied, or damages for wrongs or injuries to persons or property, does not exceed $300, including all proceedings by attachment or in replevin, where the amount claimed or the value of the property involved does not exceed said sum. * * * And said jurisdiction shall be exclusive when the amount claimed for debt or damage or the value of personal property claimed does not exceed $50, and concurrent with the supreme court of the District of Columbia when it exceeds $50.

All landlord and tenant proceedings are instituted in and determined by the justices of the peace courts in this District. It will be seen that the justices of the peace in and for the District of Columbia have to deal with about as many difficult and complex questions of law and practice as any of the justices sitting in the supreme court of the District of Columbia. The chief difference between the litigation that is carried on in the justice of the peace court and that of the supreme court of the District of Columbia is found in the amounts involved.

III. When the code was first adopted, ten justices of the peace were provided for this District, but under the amendment adopted June 30, 1902, it was provided that on and after January 1, 1906, there should be but six justices of the peace in and for this District.

It will therefore be seen that six justices of the peace are now performing the labor that ten performed originally under the code. While it might be argued that there were, perhaps, too many justices of the peace provided for under the code as originally adopted, yet it is now perfectly apparent that with the increasing litigation before the justice of the peace courts from year to year the six which now exist here are, indeed, overworked. The records of the justice of the peace courts show that each justice is disposing of more than 2,500 cases annually.

The amount of work entailed upon the justices in the matter of entering these suits, as the law requires they shall be entered, into a docket kept by him for such purpose; entering every step taken in the matter of issuing writs and of the returns made thereon; entering continuances; entering motion, etc., and so on, to final judgment and execution; in addition to that, entering appeals and making the proper certifications of the records from that court to the supreme court of the District of Columbia; entering the nonresident and appeal bonds given, as well as those in attachment and replevin suits; also issuing summons for witnesses and the returns made thereon, besides the time which is consumed in the hearing of the contested cases, which means more than 50 per cent of the number of suits filed before him, one-fourth of which represent damage and debt cases, where the same are contested, of necessity casts upon the justices of the peace in and for the District of Columbia a burden which no other judicial officer is called upon to bear in this District. Their hours cover from 9 to 4 o'clock each secular day, exclusive of legal holidays and Sundays.

In this connection I might add that under the law when a vacancy occurs in the police court in this District, or when one or both of the judges presiding in said court is absent on vacation or by reason of sickness, the supreme court of the District of Columbia designates one or more of the justices of the peace to preside in said police court during the temporary absence of such judge or judges. By reason of this fact there is an average of about two and one-half months each year in which the justices of the peace perform the duty of the judges in the police court without one cent of compensation therefor. The judges in the police court receive a salary of $3,000 a year, and their court lasts, upon an average, from 9.30 in the morning to about 1 or 2 o'clock in the afternoon. Surely, when it is found that the qualifications of the justices of the peace are equal to that of the judges in the police court, and when it is found that his work is equally as important as that of the judges in the police court, and also, when his duties are very much more arduous and his hours longer in the discharge of his official duties than those entailed upon the judges in the police court, there is no justice in paying the judge in the police court a single cent more than is paid to a justice of the peace. If quantity and quality of work are to be the basis for fixing the salary that should be paid, it is submitted that the justices of the peace should receive the full $3,000, as fixed by law; in other words, his statutory salary.

One other matter I might suggest here, that it is proposed in the present House bill 18198 to provide for the judge's salary in the recently created juvenile court for the District of Columbia. Heretofore the police court judges have been holding said juvenile court, and it has usually taken about two hours a day to dispose of the cases. In the light of the past it is not likely that the judge sitting in the juvenile court will be called upon to sit for more than three hours a day for some time to come. Notwithstanding these short hours and notwithstanding the fact that his knowledge of the law is in no wise superior to that of the justice of the peace, the present pending appropriation bill is providing a salary of $3,000 per annum for the judge in said juvenile court, and also providing a salary of $2,000 for a clerk, and a salary of $1,500 for a chief probation officer, and $900 for a probation officer, in all $7,400. In other words, the present pending appropriation bill provides for this court, which has few writs to issue and only one character of cases to deal with, in which the rights of property are not considered and where the duties of the officers in said court will, perhaps, not exceed three hours a day for several years to come in the actual discharge of official duties, more than one-half of the sum which it has provided for a half dozen different courts in this District, where the litigation in the matter of damage, debt, replevin, and attachment suits aggregated during the last year over $1,250,000.

I merely mention this to call attention to the lack of due consideration given to the merits of the justice of the peace claim. Surely this inequality ought not to exist. Each justice of the peace ought, as a matter of right, be given a clerk at a salary of not less than $50 per month. They ought to be also given an appropriation for office rent and office expenditures, in the way of dockets and other supplies, absolutely necessary for the business of the office, of not less than $50 per month. They can not get an office suitable for their business under at least $30 or $40 per month. Yet the present pending appropiation bill sets apart the meager little sum of $250 per annum to cover the whole of these expenses and then the little sum of $2,000 a year for their services. In other words, they have not even put them on the same footing that they have put the clerk in the juvenile court, for the reason that that clerk will not have to pay anything out of his salary for the expenses of his court, whereas the justices of the peace must, of necessity, as they have done in the last few years, pay out of his private pocket such moneys as are necessary over and above the $250 allowed to meet the expenses of his office.

It does not seem possible to me that Congress, when its attention is called to this situation, will tolerate it. It will be found that the Attorney-General, Mr. Moody, has written a letter in which he has advocated remedial legislation for the justices of the peace along these lines.

IV. I take it that the committee, or at least some members of the Committee on Appropriations, must have regarded justices of the peace in and for the District of Columbia in the same light that a justice of the peace is regarded in the States.

There not only their qualifications but their jurisdiction is exceedingly limited. The average justice of the peace in the States is not required to have an office and is permitted to follow the ordinary vocations or business in which he is engaged, and his duties as justice of the peace are merely side issues, which he disposes of at his leisure. His work is of such small consequence, to start with, in character and in quantity, to end with, that no one looks upon the ordinary country justice of the peace than anything more than a man of very ordinary intelligence and ability. But in this jurisdiction it is entirely different.

The character of the work is such, to begin with, and the quantity of the work is such, to end with, that it not only requires a high degree of skill and knowledge on his part of law and legal proceedings, but it consumes his entire time, so that he can not pursue any other line of business while he is serving as justice of the peace.

I might add, in this connection, that every one of these justices of the peace was a lawyer by education and by profession before they were made justices of the peace, having received their degrees from the law schools and passed their examinations for admission to the bar before the courts of the District of Columbia.

Mr. NELSON. The total for that item, on page 68, will have to be changed. I move to strike out "thirteen" and insert "sixteen," in line 9.

Mr. GALLINGER. There is another amendment to be offered to that paragraph.

Mr. SPOONER. I desire to offer an amendment. What was the amendment of the Senator from Minnesota?

Mr. GALLINGER. It was to increase the salaries of the justices of the peace from $2,000 to $2,500 each.

Mr. SPOONER. Is that paragraph still open to amendment?

Mr. GALLINGER. It is open to amendment.

Mr. SPOONER. On page 68, line 8, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 68, line 8, before the word "hundred," it is proposed to strike out "two" and insert "nine;" and in the same line, after the word "hundred," to strike out "and fifty;" so as to read:

And the further sum of $900 each for rent, stationery, and other expenses

Mr. GALLINGER. I will suggest to the Senator that if his amendment is to go in this bill—and I know the appeal that has been made in its behalf—the words "clerical services" should go in after the word "rent."

Mr. SPOONER. I intend to move that after the amendment I have proposed is acted upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. SPOONER. In line 8, after the word "rent," I move to insert the words "clerk hire."

Mr. GALLINGER. I would suggest that the words "clerical services" would be better.

Mr. SPOONER. Very well. Let it read "clerical services."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 8, after the word "rent," it is proposed to insert "clerical services."

The amendment was agreed to.

Mr. SPOONER. In line 9 I move to strike out "thirteen" and insert "twenty," which is a change of the total; and also in the same line to strike out "five" and insert "four," before the word "hundred;" so that the total will read: "$20,400."

Mr. GALLINGER. The clerk of the committee figures the total a little different, and if the Senator will wait a moment we will correct the total. I suggest that the Secretary correct the total.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. GALLINGER. Now, let the bill be passed, Mr. President.

Mr. BURKETT. I want to offer an amendment to the bill, if the Senator will permit me. On page 28, after line 9, I move to insert:

For completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, $2,500.

I call the attention of the chairman to the fact that that street is about two-thirds paved, one-third on each side, but the middle third was left open to put in street-car tracks. The street-car tracks have never gone in there, and it is to finish the paving of the street.

Mr. GALLINGER. Will the Senator state the streets.

Mr. BURKETT. It is between Eighteenth street and Connecticut avenue on Florida avenue.

Mr. GALLINGER. That is not, I suggest to the Senator, outside of the boundary, is it?

Mr. BURKETT. It is boundary street.

Mr. GALLINGER. The item in the paragraph to which the Senator has proposed the amendment is for the construction of county roads, and those roads are outside of boundary.

We have never in that paragraph, I will say to the Senator, undertaken to deal with streets inside of the boundary. We have made schedules for the different sections of the city——

Mr. BURKETT. Will the Senator from New Hampshire suggest where it should come in?

Mr. GALLINGER. If the Senator wishes to insert it, let it be on page 25, after line 19.

Mr. BURKETT. All right; page 25, after line 19.

The SECRETARY. On page 25, after line 19, it is proposed to insert:

For completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, $2,500.

The amendment was agreed to.

Mr. BURKETT. I desire to offer another amendment. On page 11, at the top of the page, I move to strike out "or municipality."

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment, which will be stated.

The SECRETARY. On page 11, line 2, after the word "corporation," it is proposed to strike out the words "or municipality."

Mr. BURKETT. Mr. Presiednt, I will say, if there is any objection to the amendment, that this is the paragraph which provides that the inspector of asphalt paving shall not render any service to any corporation. But some municipalities write to him which can not afford to have an inspector of asphalt, and this precludes him from offering any advice. I have in mind one place where he rendered some very valuable service.

Mr. GALLINGER. Mr. President, there is very serious objection to the Senator's amendment. The Senator probably knows the history of this matter, and it is time, it seems to me, that this official of the Government, who is paid a good salary, should attend to his duties here in Washington, and not be interfering with matters outside and deciding between different kinds of asphalt. I hope the amendment will not prevail.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. HALE. On page 76, in line 13, I move to strike out the words "by the board of charities."

The SECRETARY. On page 76, in the committee amendment already agreed to——

The VICE-PRESIDENT. The Chair will regard the committee amendment already agreed to as open to amendment.

Mr. HALE. Yes.

The VICE-PRESIDENT. The Senator from Maine moves an amendment, which will be stated.

The SECRETARY. On page 76, line 13, after the word "Asylum," strike out "by the board of charities."

Mr. HALE. As my purpose covers several clauses, I will also move, in line 17, to strike out "by the board of charities."

The VICE-PRESIDENT. Without objection, the two amendments will be agreed to.

Mr. GALLINGER. Not agreed to, Mr. President. I do not think the Senator from Maine asks for that just now.

Mr. HALE. No. They will all come up in connection with a subsequent amendment I will offer, which covers the whole case. In lines 22 and 23 I move to strike out "by the board of charities;" also on page 77, in line 1, also in line 6, also in lines 9 and 10, also in line 17, also in line 20 I move to strike out the same words.

On page 76, at the end of line 20, I move to insert what I send to the desk.

The SECRETARY. On page 76, after line 20, it is proposed to insert:

All appropriations from and including line 11, page 76, of this bill shall be spent under the authority and direction of the officers of each of said charities.

Mr. HALE. Mr. President, I offer these amendments because I think almost everybody who has had anything to do with these charities is very tired of the board of charities. Every year it appears here or in the other branch and insists that instead of Congress appropriating in detail for these charities, which are well conducted and under conservative management, the whole discretion as to the apportionment of the amount shall be left to this ambitious and engrossing board of charities. For one having had something to do with considering these appropriation bills for years, as I have said, I am very tired of the importunities of the board of charities, which seeks to interfere with the actual management of these different charitable associations. There is not one of those associations which is not well conducted. The management is prudent and conservative and satisfactory to Congress.

Every year this board of charities comes to us and asks Congress to take everything away and to leave entirely discretionary with the board of charities the apportionment of the moneys. I am bound to say that when this ambitious board presents its requests—I will not say demands—to the Senate and to the Senate committee, they do not appeal to the Senate committee; and I have offered these amendments leaving not only, as the committee proposes to do, the amounts specified for each institution, but the management and expenditure of the money to the officers, trustees, and managers of those institutions, so that hereafter we will not be beset by the demands of the board of charities that everything shall be left to their omnipotent hands.

I hope the chairman of the Committee on the District of Columbia, who has had great experience and knows a great deal more about the details of these matters than perhaps any other Senator, will be willing to accept the amendments I have offered.

Mr. GALLINGER. Mr. President, the board of charities,

consisting of five members, was created under the provisions of an act approved June 6, 1900, taking the place of an officer who was then known as superintendent of charities, as I remember it. They had duties imposed upon them which were largely of a supervisory character. They were to be appointed by the President, to serve without pay, and they were to examine into the various charitable institutions of the District, when requested to do so by the Commissioners of the District of Columbia, and make recommendations. They did not have the direct expenditure of money. In fact, their jurisdiction extended only to making investigations along charitable lines and advising in the matters of new buildings for charitable purposes. Up to the present year Congress appropriated the money for these various eleemosynary institutions—the various hospitals and other institutions of that kind—in the city. The board has had supervision of them in a general way, but we have designated the amount of money that should go to each institution.

The board is composed of most excellent gentlemen, some of the leading citizens of this city being upon it—such men as Mr. Edson, Mr. Woodward, and others. Doctor Neill is now on the board, and he is a very efficient man. They have done a great deal of good work without financial compensation. But, like all other boards, certainly in this District, and, I suppose, everywhere else in the world, they have been reaching out for increased power. To carry out a long-cherished purpose, they induced the House of Representatives to appropriate a lump sum in the District of Columbia appropriation bill of the present year, to be distributed by the board upon the various institutions as they saw fit. It is an unfortunate fact that at times the board have expressed themselves as being opposed to giving aid to certain very worthy charities. For instance, they have taken ground against an appropriation to the Home for Incurables, an institution to which one woman gave $50,000, and where patients suffering from cancer and other incurable diseases, excluded from the other hospitals of the city, find a home and are tenderly cared for. We have been giving that institution from two to four thousand dollars a year, and this board has on two or three occasions objected to that, saying it was not a proper appropriation of public money.

During the present year they went into print, as I remember, saying we should not make an appropriation for the Columbia Hospital for Women, etc., an institution that belongs to the Government, land and buildings alike. They have intimated that they thought that institution ought to go out of business, and the patients be distributed among the other hospitals of the city. Some antagonisims have arisen because of the attitude of the board in these matters. I have no doubt they have meant well; I have no doubt they believe it would be a better system of administration if we would yield to their wishes in this regard.

But I call the attention of the Senator from Maine to a matter which, of course, he understands, that the subcommittee of the Committee on Appropriations struck out the item putting all this money in the hands of the board of charities, to be dispensed by them as they saw fit, and they have provided for each hospital by name, making a specific appropriation in each case, so that the board will be compelled, if this bill shall become a law, to have this money dispensed next year as it has been done in the past.

I doubt very much the propriety of striking out the words that the Senator from Maine suggests ought to come out of the bill. I doubt very much the propriety of raising as sharp an issue as that with the board of charities at the present time. I think if we succeed in keeping in the bill what the committee have placed in it, caring specifically for each institution this year, we will be able to reach an amicable adjustment of this entire matter, and that there will be less friction in the future than there will be if we raise the question as sharply as the Senator from Maine proposes to do. I assure him personally that I will do what I can to bring about an adjustment that will not do harm to anyone, and that will be of the highest possible benefit to these most excellent institutions in the District for which we are making appropriations. So I trust the Senator will not press his amendments any further.

Mr. TELLER. I should like to know what the amendment is. I did not quite catch it.

Mr. GALLINGER. The amendment, I will say to the Senator, is to strike out in the items providing specifically for each institutions the words "by the board of charities," so that the money will go direct to each institution and be dispensed by the officers of those institutions.

Mr. HALE. The Senator from Colorado, an old member of the committee, I know has always had an active and intelligent interest in this whole matter. My object is to prevent, both now and hereafter, the intervention of these ambitious gentlemen comprising the board of charities to take entire possession of the eleemosynary institutions and dole out as they think fitting and best the amount of moneys to each institution, and also, as they claim, to give them the power to close up and abandon certain institutions. I am not for that. I do not think the Senator from Colorado is for that. I do not think the Senator from New Hampshire, who has had great experience and has great knowledge on this subject, is for that.

I see the force of his appeal to me that, as, under his advice, the old rule has been restored in the bill and the amounts are specially appropriated for the different institutions, I shall not now insist on going further and striking out all of the nominal control of the board of charities. I hope that as a result of the action of the Senate and of this debate we will hear less hereafter of this board, which comes here every year to change what has been the practice for years and years, and that they will be content to perform the duties that are now given to them by Congress, which are large enough, without seeking to subvert everything Congress has always done, showing confidence in these institutions and maintaining them distinctively in the judgment of Congress and not in the judgment of the board of charities.

Mr. TELLER. Mr. President, I confess I sympathize very greatly with the feeling of the Senator from Maine, but we did not think it was wise at this time to entirely ignore the board. I have a good deal of feeling that the board are quite out of place in insisting that they shall determine how the money shall be expended in the first instance. This is an old claim of theirs which has been made for some time. They have now made the first step which is direct and efficient by persuading the House to put it in their hands. I feel very much that we are quite as capable of doing that duty of distribution as are the board, and I so stated to the board when they were before the committee, and that I did not myself believe that Congress would at any time turn over that duty to them. The way they have insisted upon handling this money for several years is proof enough that they ought not to handle it at all, except in a perfunctory way.

The Senator from New Hampshire [Mr. GALLINGER] has mentioned the fact that they have been hostile to the Home for Incurables. It is a private charity established in Georgetown by the good people to take care of persons who could not get into the ordinary hospitals. It is a home for incurables of all kinds. We have appropriated only a few thousand dollars annually for that charity, and it has been maintained by the good people of this city. As the Senator from New Hampshire has said, one lady gave $50,000. That was the beginning. Others have contributed, and the women of this District have looked after these incurable people—not always incurable. Sometimes when they were supposed to be incurable it has turned out that they were not. At least within a short time, three persons who were thought to be incurable, and were so pronounced, have been sufficiently relieved of their disabilities to be self-supporting in this city, and are now earning enough to support themselves, and are away from the institution. And yet there was no other place in the city where they could have gone. I have visited this Home for Incurables, which has in it now people who, if turned out, would have no place to go. They would have to go to the pauper home.

Mr. GALLINGER. There are some forty or fifty, are there not?

Mr. TELLER. Forty-five, or such a matter, I believe. All classes are taken in. It is not a sectarian institution. Catholics, Protestants, Jews—every class are taken in if they come within the rule. It is, I think, the most worthy and deserving charity in the city, without exception. We have made an appropriation this year for a little extra help—$3,000 for an elevator, which they need very much, because they have a large number of persons who can not go up and down stairs and who must be taken in the elevator and carried up and down. They have permanent cripples there. Some of them are partly supported by their friends, but many of them are supported entirely by the contributions of the good people, save and except the small sum the Government gives, which never heretofore has been more than $4,000 a year.

For these great institutions we have appropriated as high as a hundred and fifty thousand dollars a year. With respect to this little establishment, which is doing as much good as any other in the city, the board of charities came before us and actually said they thought it ought to be disbanded and abandoned. I said: "What will you do with the patients?" They said: "Let the Government build a building." This institution would take care of these unhappy people for a tithe of what the Government could take care of them for. It is economy for us to help in this case. We give only a moiety out of the whole.

I must confess that the attitude of the board heretofore and now has prejudiced me somewhat against the board, and I should very much dislike to see the bill pass and become a law as it came to us from the House. I think it would be very disastrous and hurtful. There is one thing we ought to insist upon, and that is that the control of appropriations belongs to the Congress of the United States, and not to any tribunal or board to which we may intrust the simple payment of it. We should say when and where and how it should be expended. It is enough for them to distribute it. That is all the power they ought to have. We should determine the amount that should go to each institution.

The VICE-PRESIDENT. Does the Senator from Maine withdraw his amendments?

Mr. HALE. Mr. President, I can see plainly that in a matter of this kind a mistake might be made in seeking to go too far. The Senator in charge of the bill has shown very plainly that, so far as he is concerned, he does not believe in turning over the entire disposition of this aggregate sum to the discretion of the board of charities, and I trust that when this matter goes into conference between the two Houses we shall find as a result of the conference that the present rule will be maintained and that the disposition and the amount for each of the eleemosynary institutions shall be, as the Senator from Colorado has indicated, controlled by Congress, and not by the board of charities.

Under these circumstances I will not insist on my amendment, but I notify the Senator that if importunity is kept up and there is this determination to take this subject-matter not only away from us, but away from the very sensible, benevolent, and intelligent persons who have charge of these institutions, on the next appropriation bill I shall certainly try to see that not only shall we distribute the amount of the funds, but that the expenditure of the sums shall be left to the good people who are managing these institutions and the very charitable and benevolent people who have given their benefactions to maintain and sustain them. For the present I withdraw the amendments.

The VICE-PRESIDENT. The Senator from Maine withdraws the amendments.

Mr. MALLORY. Mr. President, I have an amendment which I should like to submit.

The VICE-PRESIDENT. The Senator from Florida submits an amendment, which will be stated.

The SECRETARY. In line 23, page 18, after the word "shall," insert the word "not;" strike out all of line 24, on page 18, after the word "used," and insert the following:

By the Commissioners for any purpose other than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or connected with its administration.

Mr. MALLORY. Mr. President, the amendment proposed to line 23, on page 18, is to insert the word "not" after the word "shall;" and in line 24 to strike out all after the word "used" and insert new matter; so that it will read:

That horses and vehicles appropriated for in this act shall not be used by the Commissioners for any purpose other than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or connected with its administration.

My reason for offering this amendment is that it came to the attention of the Committee on the District of Columbia the past winter that notwithstanding the fact that the language which is now in the bill, which prohibits the use of these horses and vehicles except for official purposes, has been regularly in the District of Columbia appropriation bill since 1903, the Commissioners, or at least two of them, have been using the horses belonging to certain departments of the city government—the department of streets and the fire department—for the purpose of conveying them and their families whenever they thought proper to indulge in that sort of entertainment. In fact, it was shown to the satisfaction of the committee that these vehicles and horses purchased for public use were regularly used by certain of the Commissioners for the purpose of driving to entertainments, to receptions, to theaters, to Chevy Chase, and generally for their own personal pleasure as well as for the performance of their public duties.

If Congress had any object in inserting this provision restricting the use of these horses and vehicles by the Commissioners only when they were engaged in official business, it certainly could not be consistently construed to mean that they could also use these horses and vehicles for pleasure.

If it is the wish of Congress to permit these gentlemen to use drivers and horses paid and purchased at the public expense for their personal pleasure and entertainment, Congress may do it, but in the face of a positive inhibition which can be construed into nothing but a prohibition against using these horses and vehicles for their personal use, it strikes me that it is the duty of Congress to enact the law in such a shape that it can not possibly be ignored on any pretext.

The amendment which I propose does not prevent them from using these horses and vehicles when it is necessary for them to visit public works or the public property, but if its mandate is observed, they will not use them to visit the theater, to drive to receptions and to entertainments during the winter.

The system which is in vogue to-day is objectionable in addition to this, because it is a fact with which the members of the Committee on the District of Columbia are acquainted that the time of employees of the street department and employees of the fire department is taken up by these Commissioners in using them as drivers for these vehicles.

It is unnecessary for me to say anything to the Senate about the wrong, the impropriety, of such practices on the part of the Commissioners. They may be "potent, grave, and reverend seigniors," and very worthy gentlemen, but they illustrate a tendency which is a growing one in this country to-day, to so construe the laws which they themselves have to put into effect as to allow them privileges which the legislature not only does not permit, but, in fact, positively prohibits.

I had hoped that this amendment would have been adopted by the committee. I introduced it on April 25 and had it sent to the committee, hoping that it would be adopted and save me the necessity of making this statement. But inasmuch as the committee did not think proper to do it—I did not go before them and urge it at all, and possibly they may have overlooked it—I deemed it my duty to call the attention of the Senate to the practice, which has been indulged in for many years past, which is an abuse, a scandal, and practically a petty piece of graft, which ought to be abolished peremptorily and effectually.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. BURKETT. Now I desire to call up and to continue the consideration of the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia—the bill that we laid aside last night.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending amendment is the second amendment on page 4. It will be stated.

The next amendment of the Committee on the District of Columbia was, on page 4, line 15, after the word "taught," to insert:

And he is specifically charged, under the direction of the superintendent, with the unification, so far as may be practicable, of the educational work of the colored high schools, and of all the academic and scientific subjects of the Armstrong Manual Training School. And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediary grades of the colored schools.

So as to make the paragraph read:

The colored assistant superintendent, under the direction of the superintendent of schools, shall have sole charge of all teachers, classes, and schools in which colored children are taught. And he is specifically charged, under the direction of the superintendent, with the unification, so far as may be practicable, of the educational work of the colored high schools, and of all the academic and scientific subjects of the Armstrong Manual Training School. And he also shall be charged specifically, under the direction of the superintendent, with the unification of the educational work of the intermediary grades of the colored schools.

Mr. BURKETT. I move to strike out "intermediary" and insert the word "intermediate" at the end of line 21.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 24, after the words "appoint a," to strike out "supervisor of high schools, who shall have charge of all subjects in the white high schools and of all academic and scientific subjects in the McKinley Manual Training School," and insert "director of intermediate instruction for the white schools who shall have charge under the direction of the superintendent of the unification of educational work of grades 5 to 8, inclusive;" so as to make the paragraph read:

The board, upon the written recommendation of the superintendent of schools, shall appoint a director of intermediate instruction for the

white schools who shall have charge under the direction of the superintendent of the unification of educational work of grades 5 to 8, inclusive.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

There shall be appointed by the board a director of manual training, who, under the direction of the superintendent, shall have supervision of manual training instruction in the grades.

Mr. BURKETT. In line 7, I move to strike out the word "director" and insert "supervisor;" so as to make it conform with the rest of the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, after line 10, to insert:

The board shall also appoint a superintendent of buildings and supplies, who shall give such security for the faithful performance of the duties of his office as the board of education shall prescribe. He shall have entire jurisdiction of the care of all school buildings and premises, and shall purchase and have the care and distribution of all supplies needed for the schools, under such regulations as the board of education shall prescribe. He shall have as assistants one clerk, one inspector of janitors, and one stenographer and typewriter. The assistants to the superintendent of buildings and supplies shall be appointed by the board of education upon the written recommendation of the superintendent of buildings and supplies.

Mr. BURKETT. I move, as a substitute for the amendment, to insert what I send to the desk. This I do by direction of the committee.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be read.

The SECRETARY. In lieu of the amendment on page 5, beginning with line 11 and ending with line 23, insert:

The board shall also appoint a superintendent of buildings and supplies, at a salary of $3,000 per annum, who shall give such security for the faithful performance of the duties of his office as the board of education shall prescribe, and be subject to removal at the will of the board. He shall have charge of the sanitation and care of all school buildings and premises, and shall purchase and have the care and distribution of all supplies needed for the schools, under such regulations as the board of education shall prescribe. He shall have as assistants one clerk, one inspector of janitors, and one stenographer and typewriter, who shall be appointed by the board of education upon the written recommendation of the superintendent of buildings and supplies.

The amendment was agreed to.

The VICE-PRESIDENT. The amendment of the committee will be disagreed to.

The next amendment was, on page 6, after line 4, to strike out:

Assistants to eighth-grade principals, classes 1 and 2.

The amendment was agreed to.

The next amendment was, on page 6, line 6, before the word "kindergarten," to insert "of;" so as to make the paragraph read:

Model teachers of first and second grades, and of kindergarten, class 4.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "classes," to strike out "two" and insert "three;" and in the same line, after the word "to," to strike out "five" and insert "four, inclusive;" so as to make the paragraph read:

Teachers of manual training, drawing, physical culture, music, domestic science, domestic art, in the graded schools, classes 3 to 4, inclusive.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

Teachers of domestic art and domestic science in high and manual training schools, classes 4 and 5.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "music," to strike out "domestic science, and domestic art;" in the same line, after the word "schools," to insert "and manual training schools;" and in line 3, after the words "four to," to strike out "five" and insert "Group A, class 6, inclusive;" so as to make the paragraph read:

Teachers of manual training, drawing, physical culture, music, in the high schools, and manual training schools, classes 4 to Group A, class 6, inclusive.

The amendment was agreed to.

Mr. CARTER. The bill is being read for action on the committee amendments?

The VICE-PRESIDENT. For action on the committee amendments.

Mr. CARTER. And other amendments are not now in order?

The VICE-PRESIDENT. None except the committee amendments.

The next amendment was, on page 7, line 8, to insert in the clause for "Head teachers and teachers of normal, high, and manual training schools, Group A, class 6" the following proviso:

Provided, That teachers of the normal, high, and manual training schools now receiving less than $800 shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached, when they shall thereafter receive the increase provided in said class: *And provided further*, That special beginning teachers in the normal school may be appointed for a two years' probationary period upon the recommendation of the principal of the normal school at a salary of $800 for the first year and $900 for the second year, and thereafter, if continued, they shall receive the increase provided for in this class.

The amendment was agreed to.

The next amendment was, on page 7, line 24, after the word "librarian," to strike out "to the board of education" and insert "of the teachers library;" and in line 25, after the word "class," to strike out "five" and insert "four;" so as to make the paragraph read:

Librarian of the teachers library, class 4.

The amendment was agreed to.

The next amendment was, in section 5, on page 8, line 11, before the word "departments," to strike out "five" and insert "three;" so as to read:

That the board of education shall classify all academic and scientific subjects in the Central, Eastern, Western, and Business high schools and the McKinley Manual Training School into eight departments, so that each department shall contain correlated subjects, and the M Street High School and the Armstrong Manual Training School shall be similarly classified into three departments, so that each department shall contain correlated subjects.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 17, after the words "head teacher," to insert the following proviso:

Provided, That heads of departments as such shall have only an advisory capacity in educational matters, and upon all questions shall be inferior in authority to the principal of each particular school: *Provided further*, That no class shall be formed in the high schools with less than ten pupils, except in the M Street High School in the case of subjects not offered as well in the Armstrong Manual Training School.

So as to make the paragraph read:

Whenever a department includes two or more high schools, then the teacher in charge of the department shall be designated "head of the department," otherwise the teacher in charge of the department shall be designated "head teacher:" *Provided*, That heads of departments as such shall have only an advisory capacity, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 20, after the word "another," to strike out "or from one group in class 6 to another, or from one grade of salary to another within Group B;" in line 22, after the word "the" where it occurs the third time, to strike out "supervisor of high schools, or" and insert "officer having direct supervision of said teacher and;" on page 10, line 1, before the word "recommendation," to insert "additional;" and in line 2, after the word "superintendent," to strike out "or supervising principal having supervision of the teacher;" so as to make the clause read:

A teacher shall not be promoted from one class to another except by the board of education, upon the recommendation of the officer having direct supervision of said teacher, and in the case of colored teachers upon the additional recommendation of the colored assistant superintendent. Such recommendations shall in each case be made through and with the approval of the superintendent of schools.

The amendment was agreed to.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE. I will inquire as to whether any Senator is ready to address the Senate on the unfinished business? No one has advised me of such a desire. [A pause.] I send to the desk an order, and I ask for its adoption.

The VICE-PRESIDENT. The Senator from South Dakota proposes an agreement, which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, June 13, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 3 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. CULBERSON. What is the proposition?

The VICE-PRESIDENT. The request is for unanimous consent for a final disposition of the bill on Wednesday, June 13.

Mr. CULBERSON. Is unanimous consent asked at this time?

Mr. KITTREDGE. Yes, sir.

The VICE-PRESIDENT. It is.

Mr. CULBERSON. There is a very meager attendance of Senators at this time. There may be no objection to the agreement; but the Senator from Alabama [Mr. MORGAN], who has

taken quite an interest in this matter, is not present in the Chamber.

Mr. KITTREDGE. I feel sure that I am authorized to state that the date named is entirely satisfactory to the Senator from Alabama.

Mr. CULBERSON. Very well.

Mr. MILLARD. Mr. President, I feel authorized to say that the proposition is entirely unsatisfactory to other Senators who wish to speak upon this question, and I object to the order being made.

The VICE-PRESIDENT. Objection is made.

Mr. KITTREDGE. I ask the Senator from Nebraska to suggest a date when a final vote may be taken on the bill.

Mr. MILLARD. I am not prepared to-day to name a date, but perhaps I may be by Tuesday next. I know of four or five Senators on the lock side of this proposition who wish to speak, which will certainly carry the time beyond Wednesday or Thursday of next week. So I would not be warranted in making any positive suggestion to-day as to a time when the bill could be voted on. I will endeavor to do so as soon as I can confer with one or two Senators who I know desire to speak on this subject, and who are absent from the Senate at this time.

Mr. KITTREDGE. Can the Senator assure me that somebody will be ready to address the Senate upon the bill on Monday?

Mr. MILLARD. I could not say positively that anyone will be ready on that day. I think there will be some one ready to address the Senate on Wednesday.

Mr. KITTREDGE. In the light of the statement of the Senator from Nebraska, I feel compelled to give notice that I shall begin on Monday to push the bill, and that I shall ask for a vote or that some one representing the minority shall address the Senate upon the subject.

Mr. BURKETT. Now, Mr. President——

The VICE-PRESIDENT. What disposition shall be made of the unfinished business?

Mr. KITTREDGE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

The next amendment of the Committee on the District of Columbia was, on page 10, line 7, after the letter "B," to strike out "as follows" and insert "of class 6 only after oral and written examinations by the board of examiners upon recommendation as follows;" so as to make the paragraph read:

Teachers shall be promoted for superior work from Group A to Group B of class 6 only after oral and written examinations by the board of examiners upon recommendation as follows.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to strike out the following:

First. All high school teachers upon the recommendation of the supervisor of high schools in the case of white high schools, or upon the recommendation of the colored assistant superintendent in the case of colored high schools.

Second. Upon the recommendation of the director of manual training in the case of manual training schools.

Third. Upon the recommendation of the principal of the normal schools in the case of the normal schools.

And to insert:

All high and normal school teachers and teachers of the manual training schools upon the recommendation of their respective principals.

The amendment was agreed to.

The next amendment was, on page 10, line 22, after the word "schools," to insert "and with the additional recommendation of the colored assistant superintendent for the colored teachers;" so as to make the paragraph read:

Such recommendations shall in each case be made through and with the approval of the superintendent of schools, and with the additional recommendation of the colored assistant superintendent for the colored teachers.

The amendment was agreed to.

The next amendment was, on page 10, line 25, after the word "teacher," to insert "head of department;" on page 11, line 3, after the word "director," to strike out "and" and insert "or;" in line 4, after the word "until," to strike out "they" and insert "he shall;" in line 5, after the word "board," to insert "of examiners. No person without a degree from an accredited college shall hereafter be appointed to teach academic or scientific subjects in the high schools;" in line 8, after the word "provision," to insert "for examination;" in line 11, after the word "schools," to strike out "or from one group to another in the high, normal, or manual training schools;" and in line 17, after the word "service," to insert "The board of examiners for carrying out the above provisions with reference to examinations shall consist of the suprintendent and two heads of departments of the white schools for the white teachers and of the superintendent and two heads of departments of the colored schools for colored teachers, the designation of such heads of departments for membership on this board to be made by the board of education annually;" so as to make the paragraph read:

No teacher, head of department, principal, or supervising principal shall be appointed to any position in the graded schools, high schools, manual training schools, or normal schools, or no director, assistant director, or teacher of special studies shall be appointed until he shall have passed an examination prescribed by the board of examiners. No person without a degree from an accredited college shall hereafter be appointed to teach academic or scientific subjects in the high schools. This provision for examination shall not apply to teachers coming from the normal schools, or teachers being advanced from the different classes in the grade schools: *Provided*, That no teacher or officer in the service of the public schools of the District of Columbia at the time of the passage of this act shall, by the operation of this act, be required to take any examination, either mental or physical, to be continued in the service. The board of examiners for carrying out the above provisions with reference to examinations, etc.

The amendment was agreed to.

The next amendment was, on page 12, line 6, after the word "grade," to insert "or of the kindergarten;" so as to make the paragraph read:

For the purpose of this act a model teacher shall be held to be a teacher of the first or second grade, or of the kindergarten, whose special aptitude for primary teaching makes it desirable to retain him in said grades with the pay of a higher grade.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of classes 1 and 2 shall receive an annual increase of salary of $25 for four years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 3 shall receive an annual increase of salary of $25 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 17, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 4 shall receive an annual increase of salary of $30 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "years," to insert "or until the maximum is reached;" so as to read:

Teachers of class 5 shall receive an annual increase of salary of $40 for ten years, or until the maximum is reached.

The amendment was agreed to.

The next amendment was, on page 13, line 11, after the word "all," to insert "such;" and in line 12, after the word "salary," to insert "and each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored assistant superintendent for the colored schools, to whom in each case he shall be directly responsible;" so as to make the paragraph read:

Principals of normal, high, and manual training schools shall receive a salary of $2,000 per annum, together with an annual increase of $100 for five years. All such principals shall be appointed at the minimum salary, and each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools and to the colored assistant superintendent for the colored schools, to whom in each case he shall be directly responsible.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "music," to insert "fifteen hundred dollars, with an annual increase of $100 for five years;" so as to read:

That the salary of the directors shall be as follows: Directors of drawing, physical culture, music, $1,500, with an annual increase of $100 for five years; domestic science, domestic art, and kindergartens shall receive a salary of $1,500 per annum with an annual increase of $50 per year for five years, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the word "hundred," to strike out "six" and insert "eight;" so as to read:

The director of primary instruction shall receive a salary of $1,800 per year, with an increase of $50 per year for five years, etc.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "each," to strike out "supervisors of high schools, supervisors," and insert "director of intermediate instruction, supervisor;" so as to make the paragraph read:

PAY OF OFFICERS.

SEC. 9. That the pay of officers shall be as follows: The superintendent, $5,000; the assistant superintendents, $3,000 each; director of intermediate instruction, supervisor of manual training schools, and supervising principals, $2,200 per annum, with an increase of $100 per year for five years.

Mr. BURKETT. In line 17, page 14, I move to strike out the word "schools" after the words "manual training."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. In line 19 on page 14, after the words "for five years," I move to insert the following proviso:

Provided, That the assistant superintendent shall have had at least two years' experience as instructor in high schools of the same or equal grade, or as superintendent or director of such high schools.

This amendment is, I understand, satisfactory to the Senator in charge of the bill.

Mr. BURKETT. I would not want to say that it was agreed to, because the committee has not agreed to it. It is a qualification, of course, that is put on the assistant superintendent. The Senate has a right to put it on. We can put on special qualifications for any officer we are going to employ. The amendment provides that an assistant superintendent must have had two years' experience in high school. If the Senate desires to do it, it is all right, but I could not agree to it, because I have no authority from the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Dakota.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 14, line 20, before the word "supervisors," to strike out "supervisors of high schools" and insert "director of intermediate instruction;" and in line 23, after the word "act," to insert "unless the said salary is less than that received at the time of his appointment;" so as to make the paragraph read:

Director of intermediate instruction, supervisors of manual training, and supervising principals who may be hereafter appointed shall be appointed at the minimum salary provided in this act unless the said salary is less than that received at the time of his appointment.

The amendment was agreed to.

Mr. BURKETT. In line 21, on page 14, I move to strike out the final "s" in the word "supervisors;" so as to make it read "supervisor."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. Mr. President, I offer an amendment to the bill. On page 7, line 3, I move to strike out the word "four" and insert the word "five" after the word "classes." I trust the Senator from Nebraska will agree to it, so the matter can, at all events, go into conference.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 3, after the word "classes," strike out "four" and insert "five;" so as to read: "classes five to Group A, class six, inclusive."

The amendment was agreed to.

Mr. DILLINGHAM. I should like to inquire of the Senator from Nebraska by whom the appointment of assistants to eighth grade principals is made?

Mr. BURKETT. This bill does not provide for any, I will say to the Senator from Vermont.

Mr. DILLINGHAM. I understand that with the amendment adopted it does not provide for any, but I understand that there is a considerable number of assistants to eighth grade principals.

Mr. BURKETT. There are twenty of them in the District—thirteen white and seven colored.

Mr. DILLINGHAM. The provision in line 5, page 6, which was stricken out when my attention was attracted elsewhere, is a provision simply fixing their salaries.

Mr. BURKETT. Yes.

Mr. DILLINGHAM. I do not understand that it directs the appointment of such assistants.

Mr. BURKETT. It does not, but we took it that if we did away with the salary that the board would not be liable to appoint anyone to the position. That was the object of the committee.

Mr. DILLINGHAM. I do not understand that it interferes with the salary, if appointed legally, but the bill proposes to fix what the salary shall be if they are appointed. So I am inquiring of the Senator as to the source of the appointments—that is, who makes them and under what conditions they may be made?

Mr. BURKETT. The board of education, of course, has been appointing. There are about a hundred and twenty grade schools here. I can not state the exact figures at this moment. These schools run all the way from four-room schools to twenty-room schools. Now, out of the hundred and twenty grade schools there are just twenty of them that have these assistant principals. We could not find any reason why such assistants should be appointed in any particular place, because there are twelve-room schools which do not have them and there are eight-room schools which do have them. Such assistants have been placed here and there apparently without any particular account of the work that is to be done. When the matter was up in the other House the committee in charge went very thoroughly into the question of these supervising principals, and in the House hearings the superintendent said—and I want to say that he in no place recommends a discontinuance of the assistant, but he did say that the supervising principal of these schools is the real principal in fact for the organization of the work and the supervising of instruction, and all that kind of thing. Each of these supervising principals will be in charge of half a dozen or more of these grade schools, and he is the principal in the ordinary sense.

Your committee felt upon this showing and from these hearings—the thirteen supervising principals being the real principals—that the nominal principal of the school, as a matter of fact, is an assistant principal. He does not have anything particularly to do except to teach; he is merely the head teacher, what is called the head teacher of a particular school. But the man in charge of that school is the supervising principal, and the committee thought to give to the head teacher of that school an assistant was not necessary. Furthermore, we thought if it was necessary, that all the schools ought to have an assistant or else none of them should have them. That is the reason the committee left them out. There has never been anywhere in any of the hearing, so far as we can find, any particular reason given for an assistant principal.

I will say to the Senator that some of these assistant principals and some of the principals who have them are looking out, of course, in their own interest for the reinstatement of this provision for their salary.

They would get a little more wages if they were called assistant principals. They have been to members of the committee, as I have no doubt they have been to other Senators, urging that they be retained. They are not, in the judgment of the committee, necessary for the welfare of the schools. They will draw more salaries under this bill anyway; and your committee thought it best to leave them out. That is the object of it.

Mr. DILLINGHAM. Mr. President, I find that there are thirteen of these great school buildings where there is an assistant principal, and that in none of these buildings are there fewer than twelve classes. The principal of that building herself teaches a class and has from forty to forty-five pupils to teach and to carry along until they are prepared to enter the high school. I can conceive very easily why it is that, in certain cases, the board of education has seen fit to give these teachers an assistant; I can understand why, perhaps, in some cases they have seen fit not to appoint an assistant; but when you remember that there is placed upon the shoulders of a lady the duty of teaching a class of forty-five pupils all the hours of the day and at the same time she has charge of the building, with over twelve to twenty teachers under her, having charge of all the rooms, being the first to whom complaints are made, supervising and caring for the building and the grounds, receiving supplies and distributing them to the pupils, and making the requisitions, and at the same time making elaborate reports to officers above her—it seems to me that it is all wrong to cut out the right of the board of education to appoint an assistant where, in their judgment, they think one is necessary. I do not understand that the amendment forbids the right to appoint such assistant, but that it simply cuts out the provision saying what their salaries shall be when they are appointed. I was wondering if the Senator having the bill in charge would not prefer to leave that matter just as it is, so that if the board of education sees fit in any case to appoint an assistant, where the board thinks an assistant is required, that the salary for such assistant shall be defined in the law.

Mr. BURKETT. Well, I would say, Mr. President, in response to the Senator, that I have a list here of thirteen schools. For instance, the Sumner School, a nine-room school, has a principal; the next is the Briggs School, which has thirteen rooms and has no principal; the next is the Mott School, which has twenty rooms, and that has no principal. We found that these principals have not been assigned with reference, apparently, to the amount of work; they have apparently been appointed—I do not want to say it—but where a good person

ought to have more salary—to provide for them. We have, however, provided salaries for these good persons under this proposed law. Let me read what the superintendent says on this subject. You see this principal does not have the regular duty of a principal of schools. Here is what Superintendent Stuart said before the House committee:

Mr. MORRELL. *Referring to these supervising principals,* can you give the committee some idea of what their duties are?

Mr. STUART. The elementary schools, as I have stated, are divided into thirteen groups—four colored and nine white. That is to say, there are practically thirteen districts.

You may call this man a district superintendent, if you please, instead of a supervising principal. *He is called a district superintendent* in New York and so called in Philadelphia. He is the executive officer for that group of schools. He will have from 75 to 100 elementary school teachers under his charge. He has his office in one of the buildings, and his duties consist in organizing, when the schools are opened in September, the schools of that district, making necessary recommendations as to assignments of teachers, promotions of teachers, classification of pupils, and he also attends to all administrative matters relating to discipline. These thirteen men, if I could find a parallel in any other department of the District government, would correspond, we will say, to the lieutenants in the police force, each having his jurisdiction and having entire administrative responsibility for his district, and reporting to the central head.

Mr. MORRELL. Let me ask you, what extra compensation does the principal of a building get?

Mr. STUART. I was about to state in regard to the duties of these principals of buildings that are principals only in the sense that they are the chief teachers—the teachers of the highest grade within the building, usually without an assistant, and consequently they have no supervisory power over the instruction, none whatever. The principals of these small buildings having no control over the instruction, in fact no authority in any schoolrooms except their own, has necessitated the supervision by the supervising principal. *It is the supervising principal who in his group of schools looks after matters of instructions.* He visits the schools; examines the schools. It is the supervising principal who does that. He attends to cases of discipline which are appealed from the teacher, the principal of the building being without an independent authority which a principal of a building in the city of New York would have or in any other great cities where he has an assistant.

It is the superintendent of schools who uses those words. The principal of a school so designated is simply a head teacher.

We give them in this bill $30 more salary for each room in such a school because they are principals, but such principals have no authority in any other room than their own, as the superintendent says, and no particular duty, except as head teacher over eight or ten or twelve teachers who may happen to be in that school. What in the world the duties of assistants would be unless it might be to answer the telehone or to attend the door, or something of that sort, I am unable to see. If anything happens in the school, they send for the supervising principal, who is the real principal. The principal does not have anything to do with it, and there is no need for an assistant, in our judgment.

Mr. DILLINGHAM. Mr. President, I am informed that that is not the fact; that the calls made upon the principal of the school come from the other schools in the same building; that she must be constantly prepared to leave her room to look after one thing or another, the calls of other teachers, etc., and that in this additional work, the care of buildings and grounds, receiving supplies and of making the reports, all that immense work devolves upon her, so that she really requires an assistant. I have called attention to the matter, because I thought, perhaps, the committee had not full information in regard to it.

Mr. President, I move to reconsider the vote by which the amendment striking out line 5, on page 6, was agreed to.

The VICE-PRESIDENT. The Senator from Vermont [Mr. DILLINGHAM] moves to reconsider the vote by which the amendment, which will be stated, was agreed to.

The SECRETARY. On page 6, after line 4, an amendment was heretofore agreed to striking out line 5, as follows:

Assistants to eighth-grade principals, classes 1 and 2.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont [Mr. DILLINGHAM] to reconsider the vote by which the amendment just stated was agreed to.

The motion was rejected.

Mr. CARTER. Mr. President, I offer an amendment to come in on page 7, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 7, line 10, of the committee amendment which has been agreed to, it is proposed to insert——

The VICE-PRESIDENT. The committee amendment having been agreed to, without objection, it will be considered as open to amendment. The Secretary will state the amendment proposed by the Senator from Montana.

The SECRETARY. On page 7, line 10, in the amendment proposed by the committee, after the word "dollars," it is proposed to insert "who have not taught five years or more in graded or high schools."

Mr. BURKETT. Mr. President, I want to explain to the Senate just what that amendment is. I am not authorized by the committee to accept it.

The committee found that there were seventy-two teachers in the District who had been appointed at salaries away down to $500; in fact, there are some who receive from $500 to $550, and from that on up to $725. There would be seventy-two of them, as I now recall, whose salaries would be increased all the way from $250 up to $500 the very first year. The bill as it came from the House provided that where school-teachers of a high school now receive $500 they shall be advanced to $1,000 next year. Our committee thought that the increase was too much. We provided that any teacher whose salary is less than $800 should be increased only $150 each year until the salary reached is the thousand-dollar minimum in that particular class.

The Senator offers an amendment to make an exception, and the Senator proposes that, because a teacher has taught five years or more and is receiving less than $800, that on account of having taught five years he shall be immediately promoted to $1,000. The objection to that is this: Simply because the teacher has been here a number of years does not make him a good teacher. The particular teacher the Senator has in mind is no doubt a good teacher, but, take it as a whole, these teachers ought not to be raised from $250 to $500 the first year. The increase is too much, your committee believes.

The committee thought that the better way to do was to limit that increase to $150. That was an unusually large increase. It is four times larger than the average increase of salaries of teachers in this bill. In fact, there is not anybody who gets that much increase except these teachers who have been hired at a less salary, coming into the school without any examination and without any requisite preparation for teaching in the high school, at a salary of $500 a year.

I could not accept the amendment, because I am not authorized to do so by the committee, and it seems to me it is an amendment that ought not to be passed. I think $150 increase for a teacher is enough in the first year, and it is all that should be allowed.

Mr. CARTER. Mr. President, the Senator has stated the reasons which impel me to offer the amendment, although he is mistaken with reference to the limitation provided in the amendment itself. I understand the fact to be that teachers hereafter hired will be employed at $1,000 per year. We will have the anomalous condition of teachers of more than five years' experience—and I am told in the list of seventy-two there are about ten such—who are now receiving $700 per annum, being compelled to work for $850 the coming year, whereas the teacher hired next September, of like experience, will be receiving $1,000.

I can readily perceive that a teacher might quickly evade the law by resigning and being reappointed, but it is desirable that such subterfuge should not be rendered necessary as to experienced teachers. The teachers of the $500 class would not chance resigning and passing an examination, but a teacher who has taught in a graded or high school for five years is presumably by virtue of that long experience a thoroughly competent teacher. If during the five years' period of teaching a proper standard of excellence has not been made manifest on the part of the individual, the teacher would evidently be dropped from the position.

The injustice of it, Mr. President, is so gross that I am compelled to offer this amendment, and to insist that the committee of conference shall consider the extent to which this five-year limitation shall apply, and to consult with the superintendent of schools with a view to ascertaining whether or not this limitation is not in the interest of justice and fair dealing. If they ascertain that it is a proper amendment, I think the committee of conference will gladly retain it. I would not have this amendment accepted without investigation. I am informed that but eight or ten teachers, and no greater number, who have been performing faithful service in the graded and high schools here for over five years will be embraced within the amendment.

Mr. GALLINGER. How many?

Mr. CARTER. Between seven and ten. It would be manifestly improper to compel these teachers, in order to evade the law, to first resign their positions and then get reappointed. I think the minimum salary ought to attach to these experienced teachers without the intervention of any such subterfuge.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana [Mr. CARTER]. [Putting the question.] By the sound, the "noes" have it.

Mr. CARTER. I call for the yeas and nays on the amendment.

Mr. SCOTT and others. Oh, no.

Mr. CARTER. I will not insist upon the yeas and nays,

but I am satisfied this amendment is just. I only ask the courtesy of an examination by the conference committee into its merits. The statement of the Senator from Nebraska [Mr. BURKETT] that seventy-two persons would instantly have their salaries increased is not correct. The amendment would only apply, I am informed, to from seven to ten persons who have been engaged in this class of work for over five years.

The VICE-PRESIDENT. The Chair will again put the question on the amendment of the Senator from Montana [Mr. CARTER] to the amendment of the committee.

Mr. BURKETT. I know the Senator does not want to state that I would make a statement that I did not think was correct in any way. The report on the bill contains some information on this feature, which, I will say, was furnished me by the superintendent at my request. The committee has gone all over this matter with the superintendent of schools, and has canvassed it very thoroughly. Action was not taken hastily at all. It was submitted and read aloud at the hearing of the teachers. On page 5 of the committee report you will find just the number in each class. I will read it.

There will be three teachers who will advance from $500 to $1,000; one teacher who will advance from $525 to $1,000; one teacher from $550 to $1,000——

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BURKETT. Just as soon as I finish my statement I will yield to the Senator.

Seventeen teachers will advance from $600 to $1,000; fourteen teachers will advance from $650 to $1,000; one teacher will advance from $675 to $1,000; sixteen teachers will advance from $700 to $1,000; seventeen teachers will advance from $750 to $1,000; and two teachers will advance from $775 to $1,000.

There is a total of seventy-two teachers who will have an advance the very first year without this amendment of from $225 to $500 each. The committee thought that we ought to limit a teacher's increase to $150.

Mr. CARTER. Under the amendment which designates teachers who have taught for five years or more, it is obvious that the Senator does not understand that the salaries of these seventy-two would instantly be increased.

Mr. BURKETT. Oh, no; I did not so state, Mr. President.

Mr. CARTER. My information may be inaccurate, but I was informed that the amendment I have proposed would result in fixing at the minimum on the new basis the salaries of from seven to ten teachers who would come in the classification contemplated by the amendment.

Mr. BURKETT. Does the Senator know what the salary is of the particular teacher whom he has in mind?

Mr. CARTER. I do not know.

Mr. BURKETT. I did not know but what the Senator might know.

Mr. CARTER. The teacher who brought the matter to me said that it had the approval of the superintendent. She is a young lady, whom I have known for many years, a citizen of Montana, a teacher of Latin, German, and English literature in one of the high schools, and a graduate, I think, of a college in Germany. She is a very thoroughly competent lady.

Mr. BURKETT. Of course, a teacher who has been in the schools five years ought not to fall below this, as a matter of fact. A teacher with such qualifications can very easily take an examination and come in as a new teacher in the high school. It would not be subterfuge. In fact, the schools should welcome the proposition to have the teachers on these low salaries resign, and then only those could get back who could pass the examination.

Mr. SCOTT. That is exactly what we want.

Mr. BURKETT. That is exactly what we are trying to do. We are trying to build up the tone and standard of the schools.

Mr. CARTER. Then the amendment, as I understand it, would only operate to obviate the necessity of an examination. Is that the Senator's proposition?

Mr. BURKETT. Yes; that would get some of them in without taking an examination.

Mr. CARTER. I had no purpose of having any teacher who could not pass an examination, if an examination is required, legislated into an increase of salary.

Mr. BURKETT. That might be the effect of the Senator's amendment. As he stated in the beginning of his remarks, they could resign and take an examination, and come in at a thousand dollars, if they could pass the requirements of a thousand-dollar teacher.

Mr. CARTER. I suggest that the Senator accept the amendment and take it into conference, and let the facts be very clearly and distinctly ascertained from the school authorities of the District. I can perceive no injury to result from that, and some injustice might be avoided.

Mr. GALLINGER. Mr. President, I have not participated in this debate for the reason that the Senator from Nebraska [Mr. BURKETT] is in charge of the bill, and he knows infinitely more about it than I do; but I want to appeal to him to let the amendment the Senator from Montana has offered be agreed to. Then it will go into conference, and if, upon further examination, the committee find that it ought not to remain in the bill, I am sure the Senator from Montana will graciously agree that it shall go out.

Mr. BURKETT. Mr. President, since the chairman of the committee advises it, I will very gladly accept the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. TELLER. I should like to have it read.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. After the word "dollars," on page 7, line 10, it is proposed to insert "who have not taught five years or more in graded or high schools."

Mr. TELLER. It is pretty difficult to understand the connection unless the context is read.

The VICE-PRESIDENT. The Secretary will read the provision as proposed to be amended.

The Secretary read as follows:

Provided, That teachers of normal, high, and manual training schools now receiving less than $800, who have not taught five years or more in graded or high schools, shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached.

Mr. TELLER. Mr. President, it seems to me it is a little difficult to tell what the effect of that will be. I want to call the attention of the Senator who has the bill in charge to a fact in this connection. I notice that he said that a teacher receiving a less salary than $800 might resign and then be examined. There is no reason why a teacher who is getting $750 should be required to resign before he or she is allowed to take the examination. If they are able to qualify themselves for the thousand-dollar position, they ought to be allowed to do it without resigning. In other words, this bill appears to give the outsider some opportunities that it does not give to the teacher already in the schools.

Here is a teacher, for instance, who may have taught five or six years, and she is still below the $800 grade. She wants to be examined. She is told, "Well, you can not be examined so long as you are on the roll of teachers. You must resign; you must abandon your position." Mr. President, there is no reason on the face of the earth for that.

Mr. BURKETT. The committee took the position that $150 was enough increase for any teacher. The teachers to whom the Senator referred in the main are teachers—there may be an exception here and there, but you can not make a bill for exceptional cases—in the main they are teachers who have been taken in at a low salary and have been educated and trained by these supervisors and special teachers and normal schools all the way along and prepared for this work. They have received promotions also. The teacher to whom we are going to give a thousand-dollar salary must have a college education and a college degree, and he must pass an examination before the board of examiners. The seventy-two teachers never passed any examination when they were appointed; they never had to have a college degree, and many of them do not have a college degree. There may be exceptions. No doubt the Senator has one in mind. I think I have the same one in mind who may have a college degree. But, as I have said, you can not make a bill for exceptions.

It seemed to your committee that for a teacher who has been receiving from $500 a year up to $725, to give such a one $150 increase the first year and another $150 the next year was enough for most of them.

Mr. TELLER. Teachers should be taken into the force according to their qualifications. If a teacher has been instructed, as the Senator says, by teaching five years, if she is able to pass the examination, she should not be excluded because she has been teaching for a less sum. The door to the $1,000 position ought to be open to every teacher, provided she has, as the Senator says, a college education and shall be able to pass the examination. There are teachers in the lower grades with good education, with experience of some years, and with college certificates, and they are excluded.

Mr. President, I attach some importance to the examination, but I attach very little importance to the college certificate. I have had some experience with college certificates. I think the certificates of certain classes of colleges can be relied on with some degree of confidence, but not the certificates of all colleges. You may have a certificate from some college where they

do not make very scholarly graduates. There are some such in this country, and there have been more in the past than there are now.

While I am not going to attempt to reform this bill, because I know how difficult it is to interfere with it, I insist that there is a defect in the bill; that the $1,000 position is not open to everyone who possesses the qualification of having a certificate from some college and is able to pass the examination.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended.

Mr. McCUMBER. Is the bill before the Senate, Mr. President?

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. McCUMBER. I desire to offer an amendment. On page 13, I move to insert the word "assistant" before "superintendent," in line 14.

I wish to state briefly the reasons for it, and if the Senator who is in charge of the bill still thinks I am in error, I shall not greatly insist upon the amendment; but I think I can satisfy the Senator that I certainly am not in error, as far as concerns the object sought.

On page 4 of this bill we have this provision:

The white assistant, under the direction of the superintendent of schools, shall have general supervision over the white schools.

A second proposition:

And is specifically charged, under the direction of the superintendent, with the unification, as far as may be practicable, of the educational work of the white high schools.

One of the duties that is imposed upon the assistant superintendent is the unification of the high schools. If we will turn to page 13 we will find this provision:

Principals of * * * high * * * schools—

I am omitting all except that which bears directly on the point:—

Principals of * * * high * * * schools * * * each shall have entire control of his school, both executive and educational, subject only in authority to the superintendent of schools for the white schools.

How can the assistant superintendent have supervision and be specifically charged with the unification of the educational work of the high schools if in the same bill you provide that the principal of the high school shall have both executive and educational authority, subject only to the superintendent? In other words, how can the assistant supervise the work of the principal of a high school if that principal is not subject to his authority? We have in this two systems. The assistant superintendent, under the provision on page 4, is given authority and it is made his duty to unify the system of study and all matters pertaining to those high schools.

Now, the only way, it seems to me, in which he can enforce obedience to any order or requirement he may make with reference to such unification is to have the authority to compel it to be obeyed. And yet, turning to page 13, the bill specifically provides that the principal of the school shall be supreme so far as the educational work is concerned. That being the case, certainly the Senator must agree with me that the assistant superintendent could not compel the unification and that it would be thrown upon the general superintendent.

The general superintendent ordinarily, I assume, has business enough of his own without attending specifically to the unification of the system in the high schools. This unification not only covers branches of study, but the text-books which shall be used, the rules that shall govern in the admission of students and in their expulsion, the military exercises, and everything of that character. They should be exactly the same in every one of the high schools, so that a certificate of graduation from one high school will be evidence that the student has passed through the same course that any other student would be required to pass through in graduating from any other high school. Of course, I understand that the Senator expects that the system will be unified, and while there is to be a degree of independence on the part of the principal of the school in reference to promotions, in reference to the method by which the instruction is to be carried on, yet, notwithstanding that, the Senator will agree with me, I think, that they are totally without any head or any governing power unless that governing power is the general superintendent of all the schools.

In order to make this one section consistent with the other, I ask that the word "assistant" be used before the word "superintendent," so that the assistant superintendent of the white high schools shall have just the same power that the assistant superintendent of the colored schools has.

Mr. BURKETT. Mr. President, I regret that I did not make myself plain to the Senator from North Dakota with respect to why the colored assistant superintendent is given more power apparently than the white assistant superintendent. As the bill came from the House, it had right at the beginning of the section pertaining to the duties of the colored assistant the word "sole," giving the colored assistant superintendent sole power over the colored schools. The Senator from North Dakota complains because the colored assistant superintendent has authority over the colored principals and that the white assistant superintendent does not have authority over the white principals. The point is this: The colored assistant superintendent is, in practice, as the House has made the bill and as the Senate has adopted it, the acting superintendent. He is the real boss of the colored schools, so to speak. On the other hand, in the case of the white schools, the white superintendent himself is the head in name and in fact. If on page 13 you provide that the principal shall be inferior to the assistant superintendent, and the assistant superintendent shall be inferior to the superintendent, and then below the principal is the teacher, it will place the pupil five steps off from the superintendent.

What the committee wanted to do all the time was to take up the coupling; to check up the lost motion, so to speak; to make nobody responsible for the Western High School or the Central High School or the Eastern High School above the principal but the superintendent, and not to have any intermediate steps.

The superintendent occupies practically the same position all the way through the bill that the colored assistant superintendent does. If I had had my way in framing the bill, I would have checked them all up to the superintendent. But the House established the other policy, and the Senate committee thought it best, and I think after consideration of the hearings probably it is best. We make a principal directly responsible to the superintendent in the white schools and to the colored assistant in the colored schools. Of course in both schools the superintendent has final authority.

If the Senator will notice, on page 4, the white assistant superintendent is not given authority to do anything except under the direction of the superintendent. On page 13 it says that the white principal shall be responsible to the superintendent. Suppose you made him responsible to the assistant superintendent, as the Senator from North Dakota proposes; you would make him responsible to a man who can not do anything, according to the bill, on page 4, except under the direction of the superintendent. What is the use of fooling about it? Let him be responsible to the man who has the power to direct.

That was done after a good deal of consideration, I will say to the Senator from North Dakota, in order to make those two paragraphs absolutely conform in authority and in duty. So that it is absolutely essential in there. You would spoil the whole bill if you changed that clause. That runs all the way through to make the superintendent the real head.

Let me use an illustration. A Senator may have an assistant as a secretary. He gives that secretary certain prerogatives, certain duties, certain functions. The assistant performs them; and yet the Senator would not want to abdicate the throne or to make the secretary supreme in any matter. And yet the Senator does give him certain things to do, which he perhaps hardly ever checks up himself; about which the Senator does not give him any directions except in a general way. The secretary performs those duties. Perhaps he hardly ever calls the attention of the Senator to them. Yet the Senator would not want to give absolute authority to the assistant in those matters. In short, he wants to keep within himself the power of checking the matter up.

The result of this will be that the assistant superintendent will be the director of the high schools. He will perform that function. The chances are the superintendent will never have to call him down on anything. But if anything came up, if he did anything which, in the judgment of the superintendent, he ought not to do, the committee believed that the superintendent ought to have the final authority. The committee believed that we should make the superintendent responsible for the schools and at the same time give him authority.

Mr. McCUMBER. Mr. President, the Senator from Nebraska says the result which is evidenced by this amendment is what he thinks after thinking. I again call the Senator's attention to the principal question I asked him, Why give the assistant superintendent supervision over the unification of a school and at the same time say that he shall have no power to enforce the orders in reference to the unification?

Mr. BURKETT. He has all the power of the superintendent behind him.

Mr. McCUMBER. Let us see what the powers are. The assistant superintendent under this bill directs the principal of the high school to instruct in certain branches. The principal of the high school declines to give instruction in those branches. What can the assistant superintendent do? He can not do a thing except report the matter to the general superintendent, and the general superintendent therefore would have to perform the functions and the duties that are given to the assistant superintendent. If the assistant superintendent is to have no power in the matter, why give him the function if he can not exercise it? Why say to him that he shall be charged with the unification of the system when you also say that any order that he may make in reference to such unification he shall have no power to enforce, but must always go to the superintendent?

Of course I assume that the general superintendent should be given authority over the assistant superintendent, and the appeal would lie from his decision to the general superintendent. But that proposition, it seems to me, leaves the bill not in the very best shape and with a conflict of authority. For my part, if I was framing the bill, in order to make it consistent, I would strike out that section charging him with the unification of the high schools and place it where it really is placed—in the hands of the general superintendent.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. McCUMBER. I wish to ask one more question of the Senator from Nebraska. On page 11 of the bill provision is made for an examining board for the examination of teachers. Will the Senator inform the Senate what has heretofore been the method with reference to the examination of teachers for our schools?

Mr. BURKETT. I will say to the Senator that there has not been much examination, I regret to say, in the schools heretofore. There has been some talk of a plan of examination, but as near as I can find out, it has not been adhered to very closely.

Mr. McCUMBER. Very well. Let me suggest this to the Senator: He is thoroughly acquainted with the school systems throughout the country, as is evidenced by his debate upon this bill. The superintendent calls to his assistance, in the matter of the examination, the heads of departments, and those, as I understand, are the principals of the high schools.

Mr. BURKETT. Not necessarily; and, in fact, I think they are not.

Mr. McCUMBER. What are they?

Mr. BURKETT. For instance, in English the head of the department is some especially good teacher in English whom the board designates as the head. The head of mathematics may be a teacher in the Central School, but the board of education designates him as the head of mathematics. Then they may combine French and German and Spanish and call it a department of modern languages, and appoint some teacher in one of those languages as the head in all the schools. In no instance, I think, is it a principal. I would not say positively that it is not, but I think not.

Mr. McCUMBER. Then, as I understand, the principal will call to his assistance, say, a teacher in mathematics in the higher grades?

Mr. BURKETT. No. The board, at the beginning——

Mr. McCUMBER. He may do so.

Mr. BURKETT. The board, at the beginning of each year, will select two white persons to be members of the white board of examiners and two colored persons to be members of the colored board of examiners, and they would select these from the heads of departments. We said heads of departments because we thought that the best teachers would always be heads of departments and would make the best examining board, probably.

Mr. McCUMBER. Do not those heads of departments and those who are very proficient in their own line of work become specialists in that line, and would a person who has taught, we will say, for eight or ten or fifteen years, English or the higher branches of mathematics, necessarily be the proper person to conduct an examination for teachers for the kindergarten, for instance, or for other grades? Would it not be better to leave it entirely to the board as to whom they shall select for the examination of teachers for the high schools and the examination of teachers for the graded schools, instead of naming the particular individuals who shall fill these places?

Mr. BURKETT. In reply to the Senator I will say that we thought of that, and the objection to it is this: I never saw a greater demand among teachers for examinations than appeared on the part of the teachers of this school. But all with whom I talked expressed the wish that a board might be made definite and certain, at least at the beginning of each year. They would rather have a definite and certain board, however constructed, than to have a board that might be created at any time for any special examination or for any particular class of teachers. In short, if you leave it open, it has been suggested that there might be favoritism here and there. Therefore, if the board of examiners is created at the beginning of the year for all the examinations to be made in that year, there is less possibility of a board being created with an eye single to the examination of some special persons. And that is why we specify of whom it shall consist.

Mr. McCUMBER. Can the Senator give me any idea as to the number of examinations that will be had in a year?

Mr. BURKETT. No; I can not, because there are——

Mr. McCUMBER. It occurs to me that placing this extra work upon these heads of departments, as you call them, may seriously interfere with their own work.

Mr. BURKETT. I will say to the Senator that we have looked that matter up, and it is quite the usual custom to have somebody connected with the schools do it. The number of examinations will not be excessive, we think, in any year. It will only be for the new teachers coming in and those desiring to take the examination for the purpose of securing a promotion from one group to another, etc. The number will not be excessive.

Mr. McCUMBER. I accept the Senator's statement.

Mr. BURKETT. We have considered that a good deal.

The VICE-PRESIDENT. The question is, Shall the amendments be ordered to be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The motion was agreed to.

Mr. CARTER. I ask the Senator from Minnesota to yield to me for a moment.

Mr. CLAPP. I yield.

MISSOURI RIVER BRIDGE, LEWIS AND CLARKE COUNTY, MONT.

Mr. CARTER. I ask for the present consideration of the bill (S. 6234) to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a bridge across the Missouri River in Lewis and Clarke County, Mont. It is a bridge bill and will require but a few moments to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAM ACROSS NIOBRARA RIVER, NEBRASKA.

Mr. MILLARD. I ask the Senator from Minnesota to yield to me for a moment.

Mr. CLAPP. I yield to the Senator from Nebraska.

Mr. MILLARD. I ask unanimous consent for the consideration of the bill (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORPORATE CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. FORAKER. Will the Senator from Minnesota yield to me for a moment?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. CLAPP. I realize that we are getting near the close of the session, and that it will perhaps do no harm to yield for the consideration of some of these short bills, but I can not yield to many of them. I must get along with the conference report.

Mr. FORAKER. I will be very glad if the Senator will yield to this one, because there is a great moral purpose to be subserved, and it ought not to be longer delayed.

Mr. CLAPP. I yield.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Privileges and Elections with amendments.

The PRESIDING OFFICER. The Chair suggests to the Senator from Ohio that the bill has been read two or three times heretofore.

Mr. FORAKER. It has been read. There are some amendments.

The PRESIDING OFFICER. The amendments will be stated.

The amendments of the Committee on Privileges and Elections were, on page 1, line 3, after the word "bank," to strike out "or any corporation engaged in interstate or foreign commerce;" in line 9, after the word "which," to insert "Presidential and Vice-Presidential electors or;" in line 11, before the word "any," to strike out the word "with;" in the same line, after the word "election," to strike out "or attempted election" and insert "by any State legislature;" on page 2, line 3, after the word "officer," to strike out "stockholder" and insert "or;" and in line 4, before the word "of," to strike out "or employee;" so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be subject to a fine of not exceeding $1,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND ON DEER ISLAND, MASSACHUSETTS.

Mr. LODGE. I ask for the present consideration of the bill (S. 6333) authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in section 1, page 1, line 12, after the word "wall," to insert "which shall be approved by the Secretary of War;" in section 2, page 2, line 21, after the word "ascertain," to insert "and determine;" in line 23, after the word "and," to strike out "transmit an estimate of" and insert "shall certify;" and in line 24, after the word "Congress," to strike out "with his recommendation in the premises" and insert "for consideration;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire for fortification purposes, from the city of Boston, two certain tracts of land on Deer Island, in Boston Harbor, Massachusetts, containing together about 100 acres above mean low-water mark, the said tracts being marked on the ground by certain monuments, and to pay for the same not to exceed the sum of $250,000 from funds heretofore appropriated for purchase of sites for fortifications and seacoast defenses: *Provided*, That the city of Boston shall build a masonry wall, which shall be approved by the Secretary of War, at least 10 feet in height above the ground level, extending across said Deer Island, to separate the portion of said island hereby authorized to be acquired from the remaining portion of said island; and shall remove the piggery from the portion of the island hereby authorized to be acquired, and discontinue interments in the cemetery within said area, and shall permit the United States Government to connect its water mains with the city's water-supply mains on said island, and furnish water to the Government at current rates: *Provided further*, That before making payment for the said land the Secretary of War may require the city of Boston to execute such valid agreement or obligation as he may consider necessary to insure full compliance with all the requirements of the foregoing proviso.

SEC. 2. That the United States shall be liable for any damage to the property of the city of Boston or to the works of the North Metropolitan Sewerage System located on said island that may be caused by the firing of guns in time of peace from batteries erected within the area that may be acquired as aforesaid; and the Secretary of War is authorized and directed, whenever any such damage occurs, to ascertain and determine what would be a reasonable and proper compensation to pay the city of Boston and shall certify the same to Congress for consideration.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INFORMATION CONCERNING CROPS BY DEPARTMENTAL OFFICERS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 6248) to amend section 5501 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"SEC. 5501a. Every officer and employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any department or office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is required by law or under the rules and practices of any department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the department of the Government to receive same, shall be punished by imprisonment for not more than ten years and may be fined in any sum not to exceed $10,000.

"SEC. 5501b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of any department of office of the Government, who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the under or by virtue of any department or office of the Government, who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product by selling or buying same in any quantity, shall be punished by a fine of not more than $10,000 and may be imprisoned for not more than ten years."

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HALE. Mr. President, that is a very remarkable bill. I can not consent to its consideration. I have not examined it.

Mr. CULBERSON. I will say to the Senator from Maine that this identical bill has passed the Senate, with the exception that it is now sought to apply the rule to the information that may be given out with respect to products of the soil. In other words, it relates to the case which the Senator will recall as having occurred last year in the Department of Agriculture, to speculating on information given out in regard to cotton by the officials of that Department. A similar bill has passed the Senate heretofore, and the objection to it in another body was that it included speculation in stocks and bonds and included Members of the two Houses. This bill has been so framed as to eliminate those objections, so that it is confined now to giving out information from the Department; for instance, as to how many bales of cotton will be produced, and to speculating in cotton upon the strength of those reports given out by the officials of the Agricultural Department. I trust the Senator will not object to its consideration.

Mr. HALE. It seems to be here considered an answer to every Senator's serious objection that some day or other the Senate has inadvertently passed a bill. My surprise is that the Senator from Texas, who is a careful Senator, a conservative Senator, and who, I hope, does not believe in these extreme far-reaching measures of the Government taking control and punishing men for giving information, punishing them largely, has reported such a bill. I am very sorry that such a bill ever passed the Senate. It never ought to pass the Senate again.

I can not consent to its consideration until I have an opportunity of examining it and seeing how far it goes. But I am continually amazed at the bills which are brought in here taking possession of almost every avenue of business and providing penalties with regard to matters that a few years ago never would have been brought into the domain of national legislation. I must insist on my objection.

The PRESIDING OFFICER. The Senator from Maine objects to the consideration of the bill.

STEPHENSON GRAND ARMY MEMORIAL.

Mr. WARNER. I ask unanimous consent for the consideration of the joint resolution (S. R. 29) authorizing the selection of a site and the erection of a pedestal for the Stephenson Grand Army memorial in Washington, D. C.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on the Library with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "the" where it occurs the third time, to strike out "chairman" and insert "secretary;" and in the same line,

before the word "treasurer," to insert "the;" so as to make the section read:

That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the secretary and the treasurer of the Stephenson memorial committee of the Grand Army of the Republic are hereby created a commission and authorized to select a site upon the property belonging to the United States in the city of Washington, other than the Capitol and Library grounds, for the erection of the Stephenson Grand Army memorial, to be presented by the Grand Army of the Republic to the people of the United States.

The amendment was agreed to.

The next amendment was, to add as an additional section the following:

SEC. 3. That the joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic, approved May 3, 1902, is hereby repealed.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. BULKELEY. I ask unanimous consent——

Mr. CLAPP. I shall have to object to unanimous consent for the consideration of further bills.

Mr. BULKELEY. It will not take three minutes to dispose of this bill.

Mr. CLAPP. When I called up the conference report on the Indian appropriation bill I knew of three Senators who I understood wanted to make objections to it, and as I found none of them were in the Chamber I had no objection to consuming a little time until they should arrive. I did not care to press the report in their absence. They have now arrived in the Senate, and I must ask for the consideration of the report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. TILLMAN. Mr. President, I have been trying to find the amendment of the conferees on which I raise a point of order. This report on the Indian appropriation bill is not altogether as lucid in its explanation of what has been done as was the report on the rate bill. If Senators will get the pamphlet print of the conference report and will then look on page 61 of the bill they will find amendment No. 191, which relates to the Colville Reservation and reads as follows:

COLVILLE RESERVATION.

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000, of which sum $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians.

Mr. President, this is a Senate amendment and it relates to the purchase of these lands and the payment therefor. The conference committee have brought in the provision which I shall read, and I wish Senators would pay attention to it, because they can not get the gist of the point of order that I make unless they do.

Mr. NELSON. What is the amendment? Will the Senator be kind enough to state it?

Mr. TILLMAN. It is amendment No. 191.

Mr. NELSON. On what page?

Mr. TILLMAN. On page 61 of the bill. I now read the action of the conference committee:

That the House recede from its disagreement to the amendment of the Senate No. 191, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 18, down to and including the word "Indians," at the end of line 21, and insert—

Senators will see that the words stricken out here cover the appropriation of $150,000, and in place of that we have the following inserted:

"And jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim. Petition hereunder shall be filed in said court by the said attorneys (Butler & Vale) within thirty days from the passage of this act, and the Attorney-General shall appear on behalf of the defendants, and said cause shall be given preference for immediate hearing in said court, and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim;" and the Senate agree to the same.

Now, Mr. President, the Senate inserted a provision here providing for the payment to the Indians of one million and a half dollars, and appropriated $150,000 as a first installment. The conferees report back here an absolutely new and distinct matter, not mentioned in the bill as passed by the House, never considered by either House, a matter belonging in fact to the Committee on Claims of this body, and we are asked to authorize this suit to begin in the Court of Claims in behalf of these two lawyers—Marion Butler, formerly a Senator in this Chamber, and Vale. The whole thing is so extraordinary that I can not see how the conferees, considering the powers and limitations upon conference committees, can usurp the functions of the Committee on Claims and put in motion the instrumentality by which these lawyers shall be paid $150,000 from the funds of these Indians without Congress having ever heard of it.

While it may be not subject to the point of order as being new matter entirely, it is absolutely out of the jurisdiction of the conference committee, as I take it, to insert into the bill a provision authorizing a claim to be put into the Court of Claims for the setting apart, if judgment shall be found, of some of this Indian money. I should like to have an explanation of it, Mr. President, if anybody is ready to offer it.

Mr. DUBOIS. Mr. President, it is quite common in the Indian appropriation bills to appropriate money directly to attorneys and by name. In this particular case the Government entered into an agreement with these Indians by the terms of which, if the Indians should lease a million and a half acres of land, the Government would pay them a million and a half dollars, a dollar an acre. That was a part of the agreement.

Mr. TILLMAN. Who made the agreement?

Mr. DUBOIS. Officers of the Government made it with the Indians. Congress ratified all the agreement, taking the lands from the Indians. They took the lands and disposed of the lands, but they did not ratify the part paying the Indians the million and a half dollars which they had agreed to pay.

The Indians then employed counsel. They made a contract with Maish and Gordon agreeing to give them 15 per cent of the million and a half dollars if they recovered it. The Department approved that contract, cutting it down, however, from 15 per cent to 10 per cent, and these attorneys worked diligently. The bill passed the Senate two years ago, and I am not sure but that it passed before that time. It failed to pass both branches of Congress and this contract expired by limitation, being a ten years' contract.

The attorneys then, through some Washington attorneys also, who became interested in it, made a new contract with these Indians for 10 per cent. The attorneys showed that they had worked diligently, and it was perfectly plain to the committee that if it had not been for the attorneys the Indians would never have gotten the million and a half dollars which the Government agreed to pay them.

Even this last summer the Government sent its agents out there to make another contract with these same Colville Indians for the relinquishment of a million and a half acres more of their lands, but the Indians only made this new agreement with the express provision, which was put in the new agreement, that they should be paid the million and a half dollars which the Government had been owing them all these years.

The evidence before the committee showed conclusively, as I said, the services performed by these attorneys, and the committee thought it was the least it could do in fairness to send the matter to the Court of Claims to let the Court of Claims determine, on the facts what these attorneys are entitled to receive.

Mr. TILLMAN. Mr. President——

Mr. DUBOIS. As I said, time and time again, under circumstances not nearly so clear and plain as these, Congress has put in the Indian appropriation bill a direct appropriation to pay money to attorneys by name.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. DUBOIS. I do.

Mr. TILLMAN. If this appropriation were a righteous, a just, and a legitimate one, why was it not included in the Senate amendments when the Senate had the bill under consideration? Why was it necessary to put the bill into conference and then have this recognition, and passing upon and reference to the Court of Claims made by the committee of conference rather than by the Senate Committee on Indian Affairs?

Mr. DUBOIS. Perhaps that was due to the negligence of the attorneys, or perhaps they relied upon the committee to insert it. We knew about their claim, and we failed to insert it. After the bill passed, the attorneys made the presentation and the committee thought there would be no objection on the part of the Senate, the facts being set forth, to allowing the Court of Claims to determine on the facts in regard to the attorneys' fees.

Mr. TILLMAN. Why was the $150,000 appropriated in the Senate amendment stricken out and this recommendation of the claim of these lawyers put in instead of it?

Mr. DUBOIS. The $150,000 that was stricken out has nothing to do with it.

Mr. TILLMAN. If it has nothing to do with it, then it seems that we have no use for committees. There is $1,500,000 of this fund in the hands of the Government. The first payment provided for in the Senate amendment is simply a recognition of the obligation of the debt, to set aside the money in the Treasury for the use of these Indians, and then to appropriate $150,000 for their immediate use. But, instead of letting that stand as the Senate put it in the bill, the Senate conferees insert a provision sending to the Court of Claims the claim of these lawyers for services rendered. I ask why not let that go to the Committee on Claims like any other claim?

Mr. DUBOIS. Because I do not think, as a rule, that such claims go to the Committee on Claims. Such a reference would be unprecedented.

Mr. CLAPP. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. DUBOIS. Certainly.

Mr. CLAPP. Where the claim is a claim against the Indians and not against the Government, I think it has been the universal custom—it certainly has in the brief time I have been in the Senate—to deal with such matters through the Indian Committee.

Mr. TILLMAN. Then why did not the Indian Committee put this in instead of the conference committee doing it?

Mr. CLAPP. The Claims Committee would have nothing to do with a claim of this kind. The Claims Committee considers claims against the United States Government. You will find where there have been Indian claims which have reached a position where it is thought advisable to send them to the Court of Claims or to make a direct appropriation for them, the universal custom has been for the Committee on Indian Affairs to deal with them, because that committee deals with the affairs of the Indians, whilst the Claims Committee deals with claims against the Government.

Mr. TILLMAN. What I complain of, Mr. President, is that, instead of the Indian Committee sitting as a committee, examining into this matter, having all the facts brought out, and inserting this in the ordinary and legitimate way, they did not touch it; but the conference committee, after the bill got through the Senate and the amount of $150,000 was appropriated for the immediate use of the Indians, hatches up this entirely new stuff and puts it into the conference report, knowing that it is the custom of the Senate to trust its committees and to adopt conference reports almost always without objection.

Mr. CLAPP. Since the Senator, then, has abandoned his first criticism, that this matter ought to have gone to the Committee on Claims——

Mr. TILLMAN. I have not abandoned it altogether.

Mr. CLAPP. The object of a conference is to bring together the two Houses and reconcile their differences. Everything that is added in conference, no matter how absolutely and completely it is within the scope of the conference, comes there after the bill has passed the respective Houses. The fact that this amendment was put on in the Senate shows that it had not reached that point where the House of Representatives would consider it at that time. These things as they grow go on and develop. After this amendment was put on in the Senate it went into conference. There was this claim of these parties, and it seemed to the conferees—and it was clearly the sense of the House conferees, who had much more experience in this matter than the chairman of the Senate conferees has had—that it was within the limit of the authority of the conferees. This claim was pending, and it seemed to the conferees that it was better to send it to the Court of Claims and have it settled one way or other.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. CLAPP. Certainly.

Mr. TILLMAN. It was pending, but it had not been considered by the Senate Committee on Indian Affairs; it had not been considered by the House Committee on Indian Affairs; it had not been put on in the Senate; and yet the conferees—six men—take out the $150,000 item which was put in by the Senate in this amendment, and insert instead the provision that the Court of Claims shall consider this claim; that it shall give it precedence, and apportion the money through the instrumentality of Mr. Marion Butler and Mr. Vale if judgment is rendered.

Mr. CLAPP. As to the instrumentalities, the evidence was very clear that those gentlemen had authority to deal with this entire matter.

Mr. TILLMAN. What did the Commissioner of Indian Affairs have to say about this?

Mr. CLAPP. He had nothing whatever to say about it.

Mr. TILLMAN. Is it ordinary, is it proper, for a conference committee, without authority or without consulting with those in charge of Indian affairs and trying to protect them, to take this matter in hand and transfer to the Court of Claims a provision of this sort for a claim of this kind and put it into a conference report, rather than to present it to the Senate in the consideration of the Indian appropriation bill?

Mr. CLAPP. Inasmuch as the important matter of sending claims to the Court of Claims is not within the purview of the Indian Department, it would hardly be expected that this matter would be suggested by or referred to that department. This was a matter for Congress to settle.

The Senate amendment provided that $150,000 should be appropriated for the benefit of these Indians. We provide in this amendment, as reported from the conference committee, for expediting this matter in the hope, at least, that by the time Congress meets next winter they will have settled this matter in the Court of Claims, and then we can close up the affairs of the Colville Indians. That was our reason for putting it in.

Mr. TILLMAN. The trouble with it is that all the Senate amendment did, as I understand, was to recognize the debt of the Colville Indians and set apart $1,500,000 to be paid to them as occasion arises and as necessity appears; but, instead of doing that, the Senate conferees struck out the provision for $150,000 set apart or appropriated in the Senate amendment and inserted in lieu thereof a provision looking to the lawyers getting $150,000 instead of the Indians.

Mr. CLAPP. The provision looks to having the lawyers get whatever the court may say they are entitled to; and I submit if they are entitled to anything, they should get it.

Mr. TILLMAN. The point is rather whether it is within the legitimate function and power of the conferees to do this thing.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. Where did the original matter touching this subject originate—in the House or in the Senate?

Mr. CLAPP. In the Senate.

Mr. HALE. In what way did it originate?

Mr. TILLMAN. I just read it. I will read it again for the Senator.

Mr. HALE. I was temporarily out of the Chamber.

Mr. TILLMAN. It is on page 161 of the Indian appropriation bill printed with Senate amendments numbered. I will read it again. It is not very long:

To carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress and payment to said Indians, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress "To provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000, of which sum $150,000 is hereby appropriated, out of any

money in the Treasury not otherwise appropriated, for the benefit of said Indians.

It seems, therefore, that some years ago commissioners of the United States went to these Indians and bought their lands, but they did not pay them immediately.

Mr. CLAY. If the Senator will allow me, I will ask him is it not true that when this land was purchased the law provided that the funds should be held in the Treasury for the benefit of the Indians, and only should be paid out by an act of Congress?

Mr. TILLMAN. By an act of Congress. That is what I judge from the context.

Mr. CLAY. Is it not also true that this money has been held in the Treasury all the while and that the Indians have not received it simply because there has been no appropriation made for it, and in all probability Congress thought it was not best to appropriate? Why was it necessary to have lawyers or anybody else to go and secure the payment of an honest, straight debt of the United States?

Mr. TILLMAN. That I have been unable to discover.

Mr. CLAPP. If the Senator, right there, will pardon me a moment, both Senators are mistaken. The Government did agree, at least that seems to be the settled conviction now, to pay these Indians $1,500,000 for their land; but the Government never did agree, and the Government never has recognized that claim to this day. There is a bill pending in Congress ratifying a treaty with those Indians, whereby they agree to cede the south half of the reservation, at a dollar an acre, I think, to be paid for as sold by the Government on condition that they get this $1,500,000. Congress passed that law without the condition; and to-day there is not a scrap of law on the statute book of the United States that recognizes the claim of those Indians. It is part of the history of this matter and the experience of members of the Committee on Indian Affairs that this claim has been pressed by these men for years.

Mr. TILLMAN. Pressed where?

Mr. CLAPP. Pressed before the committees of both Houses of Congress.

Mr. TILLMAN. And yet the Indian Affairs Committee, which had the preparation of the Indian appropriation bill, did not see fit to insert in that bill the provision that the claim should go to the Court of Claims, but the conferees have done it.

Mr. CLAPP. That is very true. When we went into conference and studied this matter over, it seemed to us that between now and next December it would be better to settle this matter once for all.

Mr. OVERMAN. May I interrupt the Senator?

Mr. CLAPP. I am talking by the courtesy of the Senator from Maine [Mr. HALE].

Mr. OVERMAN. I wish to know what these lawyers had to do with this matter, so that they should be paid $150,000?

Mr. CLAPP. They do not get $150,000.

Mr. OVERMAN. It seems to me they get 10 or 15 per cent of the amount to be paid the Indians. I want to know for what they get it?

Mr. CLAPP. They had a contract for 10 per cent.

Mr. OVERMAN. Well, 10 per cent on $1,500,000 is $150,000.

Mr. CLAPP. That was the contract that existed at that time.

Mr. OVERMAN. To do what?

Mr. CLAPP. To prosecute these claims.

Mr. OVERMAN. To prosecute them where?

Mr. CLAPP. In the Department and in Congress.

Mr. OVERMAN. To come up here before Congress and before the Departments and get $150,000?

Mr. CLAPP. There are hundreds of thousands of dollars due different tribes of Indians in this country to-day, and it is impossible to get them paid. If they had no attorneys to appear for them they would not get these things.

Mr. TILLMAN. The trouble about it is the lawyers get it and the Indians never see it.

Mr. HALE. What I am troubled about is this: Here seem to be rights or equities that this tribe has against the Government. A provision is passed by the Senate recognizing that right of these Indians to a certain extent and appropriating $150,000 in recognition of that right. The conference committee can only justify inserting here the claim for attorneys upon the proposition that it is a part of the transaction with the Indians, and that in the transaction the Indians ought to pay their attorneys for services. But it is going very far, Mr. President——

Mr. TILLMAN. What evidence have we that that is the situation? What evidence is there that the attorneys have any claim?

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. TILLMAN. Certainly.

Mr. OVERMAN. Did not the Supreme Court decide at its last term that such contracts are against public policy and in the nature of lobbying?

Mr. HALE. I thought I had the floor, Mr. President.

Mr. OVERMAN. I thought the Senator had yielded. I beg the Senator's pardon.

Mr. HALE. I was trying to bring out what is in my mind; but in the practice here in the Senate no man can do that. He is interrupted and taken off his feet, and then the interrupter yields to somebody else, and that interrupter yields to a third interrupter, and no human thought here is consecutive; it is utterly impossible to project any line of thought a Senator may have into a discussion of this kind.

I say that the conferees had no right to take this claim of the attorneys and put it in; it makes no difference whether they put it in the shape of an appropriation or send it to the Court of Claims. It is a question whether they have put into it new matter which was not considered by either House, and unless it is a part of the transaction and connected with it, on which the Senate acted in putting the amendment on the appropriation bill—and as to that I do not know—if that is the ground the conferees take, it clearly raises a question.

The conferees, I think, would have been much wiser if they had let it go and let the Committee on Indian Affairs at some time report that this claim ought to be paid out of these funds. It is doubtful at least—I do not say so for certain, as I am not sufficiently apprised of all the facts to know—and if it is a part of the transaction and a part of the claim the conferees had a right to consider it as much as they had to consider the $150,000 appropriated for the tribe itself. That is a question which I do not know about. But I do not think that the conferees ought to have stretched their authority to introduce new matter unless they were very confident about that. I do not think the fact that they propose to send the claim to the Court of Claims cuts a figure at all in the question. It is just as bad to introduce an appropriation, if it is new matter, as it is to introduce a proposition that a claim shall be sent to the Court of Claims. The question how it is done does not cut any figure. It is a question whether—and I hate to repeat it—this was so connected with the whole transaction which the Senate introduced in this amendment that the conferees had a right to put this in as a part of that transaction.

Mr. McCUMBER. Mr. President, I understand that the Senator from Idaho [Mr. DUBOIS] before I came in explained the matter of the obtaining of this concession from the Indians by the Government, and fully explained the debt due from the United States to this Indian tribe. The only other question is whether we have inserted new matter in the conference report.

There can be no question but that $1,500,000 is due the Indians. Both the committee of the House and the committee of the Senate are satisfied that were it not for the efforts of attorneys for now almost fifteen years this proposition would never have been before the Senate in the shape it now is. Therefore there was a provision made, as I understand, in the bill when it passed the Senate appropriating $150,000 immediately. What was that for? What was the object of appropriating that $150,000, which was made immediately available? These attorneys and other attorneys had first a contract for 15 per cent. That contract was ratified by the Secretary of the Interior at 10 per cent. They worked for some ten full years under that. That contract expired, and they entered into a new contract, which was never ratified. Under the new contract the attorneys expected undoubtedly that out of this $150,000, which is made immediately available for payment to those Indians, they would get the same provision whereby that would be turned over to them as their fee.

Mr. TILLMAN. Will the Senator allow me to interrupt him?

Mr. McCUMBER. Just one word more, and then I will allow the Senator to do so.

When the matter came again before the committee of conference, the question of the value of these attorneys' fees was gone into very thoroughly and the names and the number of persons who had acted at attorneys in the matter, and it was made clear to the committee that not more than $15,000 out of any sum, no matter what should be recovered, even if the full amount should be recovered, could go to any one attorney or firm of attorneys, as appears by the testimony. But it was thought by the House members and by the Senate members of the conference committee that it was best, instead of taking that $150,000 and paying it over to those Indians who had signed the contract and who, as soon as they had received it, would undoubtedly comply with their contract if the agents were on hand, we made

a provision that if there was doubt as to the value of those attorneys' fees, in no possible way could they be over $150,000—that we had better let the court take testimony and say whether or not the sum was reasonable; then take its findings of fact, and refer the matter again to the Senate next year, when we could take the testimony that was obtained by the Court of Claims, and then determine ourselves whether the judgment of the Court of Claims was reasonable and proper.

Mr. TILLMAN. Will the Senator now allow me?

Mr. McCUMBER. Certainly.

Mr. TILLMAN. I do not understand the Senator's statement in the light of the Senate amendment on page 161. That amendment reads:

To carry into effect the agreement bearing date May 9, 1891.

That agreement was reached, if I understand, by commissioners appointed by the Government to buy these Indian lands?

Mr. McCUMBER. Yes.

Mr. TILLMAN. Yet the Senator talks about an agreement made fifteen years ago by the Indians with some lawyers to collect a claim. It is only five years ago. How does the Senator explain the contradiction?

Mr. McCUMBER. Between what?

Mr. TILLMAN. I say the language of this amendment on page 161 is:

To carry into effect the agreement bearing date May 9, 1891.

Mr. McCUMBER. It was made in 1891. That is fifteen years ago, is it not?

Mr. TILLMAN. Yes, that is true. I was thinking of 1901.

Mr. McCUMBER. Very well.

Mr. DUBOIS. I can answer, I think, the Senator's question. Congress failed to ratify that part of the agreement to pay the Indians a million and a half of dollars; so, in 1894, three years afterwards, they employed these attorneys.

Mr. TILLMAN. To do what?

Mr. DUBOIS. To come to Congress and present their claim and try and secure its payment.

Mr. TILLMAN. Does the Senator say that Congress paid the Indians a million and a half and then would not do anything more about it?

Mr. DUBOIS. Yes; I do very positively.

Mr. McCUMBER. That is exactly what was done.

Mr. TILLMAN. It is only on a parity with the policy which has been heretofore pursued. They not only stole the land, but stole the money after it was appropriated to buy it.

Mr. McCUMBER. That is about all I wanted to explain to the Senate. The Committee on Indian Affairs has had some experience in getting through treaties. No matter how good or how just a treaty may be, it will oftentimes take ten to twelve years to get it through the Senate and through the other House.

Mr. TILLMAN. Then I understand the Senator to mean that the "$150,000 hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of said Indians," was not designed to be paid over to these lawyers, and the conferees discovered that that probably would be illegal and that they could not get their money.

Mr. McCUMBER. Oh, no; the Senator certainly could not have so understood me. The money will be appropriated and paid to the Indians. These Indians had made a contract, which might be good as between the Indians and the attorneys, to pay this $150,000, and that contract was signed by their leading men. If the attorneys had had their agents there when that money was paid over to the Indians, in all probability they would have got the full amount, according to the contract.

The conferees, after due deliberation—the House not agreeing to the amendment placed in the bill by the Senate—thought that this ought to be modified in such a manner that the Court of Claims should determine what would be a reasonable attorneys' fee, and that no appropriation should be made to pay the attorneys' fee until we found the amount which would be necessary.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. CLAY. I understand the Senator to state that this land was purchased by the Government of the United States for $1,500,000. Congress did not pay for it; then the Indians employed counsel, and made contracts with the counsel for the purpose of recovering the sum due them, and agreed in the contract that the compensation should be 10 per cent of the amount recovered?

Mr. McCUMBER. Fifteen per cent in the first place.

Mr. CLAY. Yes; I understand that was the original contract; but the Secretary of the Interior declined to approve that contract. Then they made a second contract with the attorneys and agreed to pay them 10 per cent of the recovery, and the Secretary of the Interior approved that contract.

Mr. McCUMBER. The Senator seems to have forgotten one thing, and that is, there were two halves to this Indian Reservation.

Mr. CLAY. I understand that.

Mr. McCUMBER. And that one half was taken at a certain price, with the understanding that the Government should take the other half at a certain price. The Government took the first half, and since then has never done anything toward taking the other portion and paying for it. That is the proposition.

Mr. CLAY. I understand that. They entered into a contract for certain fees for the recovery of this money. The contract specially provided that the counsel were to proceed to recover this money in a certain length of time. I ask the Senator, Is it not true that nothing was done; that the contract expired; that it was at an end, and then Congress itself took this matter up and provided for the payment of this claim? Is not this simply to refer this case to the Court of Claims to determine whether or not these attorneys shall be paid a certain sum of money, regardless of that contract, after that contract has expired? The contract specially provided that the money must be recovered within a certain time; otherwise the contract was to be void. The contract came to an end, Congress took the matter up, investigated it, and appropriated this money. Now, this is an effort to permit these people to go to the Court of Claims to get this money.

Mr. McCUMBER. Now, let the Senator look at the equity part of it. We will say that good, honest attorneys entered into a contract with their clients to take 10 per cent of a claim which they would prosecute to completion. They worked on it for ten years. In four years they had the matter before Congress fully completed; but Congress refused to do its duty and to make the payment until after the contract had expired. Then, after the attorneys had put in their work for all of these years, Congress by its own act practically let the contract lapse by reason of length of time. Notwithstanding that contract could not be enforced, nor the subsequent contract—because there was a subsequent contract, which, so far as the Indians are concerned, is in force to-day, although it has not received the approbation of the Secretary of the Interior—the attorneys have gone right on with their work; they have completed the work, and they will have secured, when we get through with this bill, what they started out to secure; and in equity the conferees thought, and the Senate committee in the first instance intended, that the attorneys should be paid a reasonable attorney's fee.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. I will ask the Senator from North Dakota if he has read those contracts?

Mr. McCUMBER. If I have read the contracts?

Mr. SPOONER. Yes; has he seen the contracts?

Mr. McCUMBER. I think I have. It has been before the committee a great many times, and I can recall the particular contract. The contract expired, of course, at the expiration of——

Mr. SPOONER. Where were the services to be rendered—in court?

Mr. McCUMBER. They were to be rendered in securing not only the action of the Department, which was necessary in the first instance, but to secure this claim for the Indians.

Mr. SPOONER. To procure the passage of a bill through Congress?

Mr. McCUMBER. Of course, to follow it through Congress.

Mr. SPOONER. To secure the passage of a bill through Congress?

Mr. McCUMBER. Certainly.

Mr. SPOONER. Is that included in the contract?

Mr. McCUMBER. I do not recall the exact words. Possibly the Senator from Idaho can give the information.

Mr. CLAY (to Mr. SPOONER). I have sent for the contract.

Mr. OVERMAN. Will the Senator from North Dakota allow me to interrupt him?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. The Senator from North Dakota says the services to be rendered were services to be performed before the head of the Department and also in Congress in getting through this claim. If that is true, the contract is absolutely void, and it has been so held for a hundred years, as being against public policy. In the case of Hazelton *v.* Miller, decided April 23, 1906, by the Supreme Court of the United States, the court says:

The bill alleges that a part of the consideration for the contract "was services rendered both before and after the making of said contract by the plaintiff in bringing the property to the attention of the committees of Congress as a suitable and appropriate site for a hall of

records." It sets forth that the plaintiff, before and after the same date, expended much time, labor, and money in rendering those services, and what they were, viz, collecting and printing facts for the information of the committees and Members of Congress, making briefs and arguments, and drawing a bill for the purchase or condemnation of the square.

They declared the contract void, as against public policy; and in concluding their opinion the court say:

The general principle was laid down broadly in Tool Company *v.* Norris (2 Wall., 45, 54), that an agreement for compensation to procure a contract from the Government to furnish its supplies could not be enforced irrespective of the question whether improper means were contemplated or used for procuring it. (McMullen *v.* Hoffman, 174 U. S., 639, 648.) And it was said that there is no real difference in principle between agreements to procure favors from legislative bodies, and agreements to procure favors in the shape of contracts from the heads of Departments. (2 Wall., 55.)

In Marshall *v.* Baltimore and Ohio Railroad (16 How., 314, 336), it was said that all contracts for a contingent compensation for obtaining legislation were void, citing, among other cases, Clippinger *v.* Hepbaugh (5 W. and S., 315) and Wood *v.* McCann (6 Danna (Ky.), 366). (See also Mills *v.* Mills, 40 N. Y., 543.) There are other objections which would have to be answered before the bill could be sustained, but that which we have stated goes to the root of the contract and is enough to dispose of the case under the decisions heretofore made.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield.

Mr. LODGE. Mr. President, I do not know the circumstances of the case which the Senator from North Carolina [Mr. OVERMAN] has just cited, but I do know that nothing is commoner than the payment of fees to lawyers who make contracts for services which are rendered entirely by arguments in the Departments and before committees of Congress. Within the last three years there was a claim of the State of Massachusetts in connection with the late war. It was one of a series of State claims. There was nothing really to be done but to determine the amount and liquidate it at the Treasury Department. A very improvident contract was made—there was some doubt about its legality—by which the attorney was to have 10 per cent on the payment made to the State. The amount of the debt of the United States to the State of Massachusetts was one million six hundred and odd thousand dollars. The Secretary of the Treasury turned over a check for $1,640,000, I think it was, to the attorney. He never had done anything except to argue the case before the Treasury Department.

Mr. GALLINGER. Was it not for the full amount?

Mr. LODGE. He turned over the check for $1,640,000 to the attorney. The check was drawn payable to the governor of the Commonwealth. There was some doubt about the lawfulness of the contract. The State was entirely prepared to pay all that was proper, and when it was assessed, no matter how improvident the contract was, she was prepared to fulfill it. An effort was made in court to get that check, which could only have been cashed by the governor of the Commonwealth, and the courts refused.

Now, all that was done by that attorney, as I have said, was to make an argument as to the liquidation of this claim, as to the amount. There was not any doubt about the claim. Similar claims had been paid to other States. It was a mere matter of liquidation, and all the work in Congress was done by the representatives of the State in either House in getting the bill through. In fact, after it was liquidated and certified by the Secretary of the Treasury, there was very little trouble in getting it through. The courts would not compel the attorney to give up to the Commonwealth that check for $1,640,000, and the Commonwealth finally had to pay him the fee of $160,000 in order to get the money that was due it. There are other States which have had the same experience, I am sure.

It is idle to say that attorneys are not paid, and properly paid, when the amount is reasonable, for work done in the Departments and before the committees of Congress for the recovery of claims.

I have broken in on the Senator from North Dakota. I was going to say something about the character of this amendment.

Mr. McCUMBER. I would rather the Senator would go on.

Mr. LODGE. I want to say a word in regard to this amendment. This amendment, as it passed the Senate, was to appropriate $150,000, to be immediately available, for the benefit of those Indians, and I understood at the time, and I think other Senators understood, too, that that sum or a portion of it was to be used to settle the claims which these attorneys had in equity undoubtedly upon the Indians for the work they had performed.

Now, in dealing with that appropriation, which was made for the benefit of the Indians, the conference committee has provided how the amount shall be determined, and they have done what seems to me to be for the protection of the Indians. They have left it to the court to assess what the proper fee is. I wish we could have had a court assess the value of the work done for the State of Massachusetts in securing the payment of the claim to which I have already referred. It seems to me the committee has acted in that way out of an abundance of caution.

The Senator from Maine said he was very doubtful whether this could be construed as new matter. I think there may be some doubt, but it seems to me clear that it was within their province, when dealing with an appropriation of this character, to say how the appropriation should be disposed of or what process should be adopted in settling any claim against the fund appropriated. It seems to me that if we take points of order made in the other House on similar questions, on which I have heard rulings many times, we will find that it is always in order to attach to an appropriation an instruction as to how the money shall be spent or under what restrictions it shall be expended by the Government. I think the clause is in order, moreover, and on its merits, it seems to me, the committee acted with the greatest possible caution. If any point of order would lie, I am inclined to think the Senator from South Carolina [Mr. TILLMAN] made it when he said that part of these fees, if they were assessed by the court, would be paid to our former colleague in this body, ex-Senator Marion Butler.

Mr. CLAPP. Mr. President, I desire to say a word in reply to the Senator from North Carolina [Mr. OVERMAN]. One reason why the conferees preferred to send this to the Court of Claims instead of disposing of it here was that the court might pass upon all these questions.

Mr. OVERMAN. Would the court pass upon the question whether the contract was void?

Mr. CLAPP. They have to pass on that question. You can not recover a judgment in a court on a void contract.

Mr. PATTERSON. Mr. President, I think it is very clearly against public policy for Congress to recognize in any way, directly or indirectly, claims of this character. As I understand the situation, after listening with considerable attention to the various statements that have been made upon the subject, it amounts to this: Somewhere about 1890 or 1891 the United States entered into a contract with a certain Indian tribe, by which it obligated itself to pay that tribe one million and a half of dollars. So if the Government was honest, and stood to carry out its contract with the Indians, there was nothing that the United States could do through its Department or through Congress but to make arrangements for the payment of the money.

I can not conceive what duties these attorneys would perform in dealing with the Department which would entitle them to compensation, if it was the plain, unqualified duty of the Department to do what was necessary upon its part to get to the Indians the money that belonged to them. It was a plain, unqualified contractual obligation. There were no damages to be assessed. Everything was liquidated. It was all a matter of contract.

Now, can it be said that it is wise policy upon the part of Congress to recognize a claim, even under a contract with a claimant, the consideration of which is to induce an officer of the Government, or one of the great Departments of the Government, to do its plain duty to a citizen or to an Indian tribe? If there was any room for controversy—and I understand there was none in this case—if there was any unsettled question to be disposed of, if there was any light to be thrown upon the intelligence of the head of the Department, then perhaps somebody would earn something in performing the duty that would shed the light or convey the information. But if a system of this kind is to be adopted, what have we? The head of the Department omitting to do his duty; an attorney collecting a claim, simply to stir the head of the Department to do his duty, about the doing of which there is absolutely no room for controversy, no real light to be shed, no real argument to be made, no real duty to be performed.

Now, then, when we come to Congress, what was the duty of Congress? The duty of Congress was to make the appropriation, and the Supreme Court of the United States has well declared that contracts for the payment of services of that character are against public policy and should not be enforced, either in courts of law or courts of equity.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. With pleasure.

Mr. McCUMBER. May I call the attention of the Senator to the fact that the Revised Statutes do not declare it against public policy, because they provide for making contracts with the Indians for just such purposes. But the statute contains a provision that the Secretary of the Interior shall agree to such contracts.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to his colleague?

Mr. PATTERSON. Certainly.

Mr. TELLER. I want to call the attention of the Senator to the fact that in this case the contract was approved by the Department. Then, I want to call his attention to the fact, which I will later bring to the attention of the Senate, that it was a disputed question whether the Indians owned the land and whether they ought to have any pay for it.

Mr. CLAY. With the permission of the Senator from Colorado——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. CLAY. I can not see how there can be any dispute or how any dispute could have arisen about the fact that this money was due to the Indians by the Government of the United States. I hold in my hand the agreement between the Indians and our Commissioners, and that agreement especially says:

The said Colville Indians, residing and having their homes on the said Colville Indian Reservation upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country on the Colville Indian Reservation in the State of Washington.

Turn to article 5, and it provides:

That in consideration of the cession, surrender, and relinquishment to the United States of all the title, claim, right, estate, and interest of said Indians in and to the tract of land above described, the United States will pay to the said Indians, the beneficiaries of this agreement, to be distributed per capita, the sum of $1,500,000, payable in five annual installments of $300,000 each, with interest thereon at 5 per cent after this agreement shall take effect.

Now, here is a solemn agreement on the part of the United States to pay this money, and why any counsel should be needed for the purpose of enforcing this contract, or why Congress should doubt a minute that this was a legal claim against our Government, I am unable to understand. Here is a solemn contract, signed by our Commissioners and signed by those representing the Indians, agreeing upon the amount of land that was conveyed to our Government and the price to be paid. It was clearly a legal and valid claim against the Government of the United States, and expressed by contract in writing and approved by the Secretary of the Interior.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield further to his colleague?

Mr. PATTERSON. With pleasure.

Mr. TELLER. If my colleague will yield a moment, I will say to the Senator from Georgia that it was not a contract until Congress recognized it as a contract. The Secretary of the Interior has no authority to approve it. It lacked that recognition and it lacks it to this day. I desire to explain this matter somewhat when my colleague gets through. I can not do it at this time.

Mr. PATTERSON. In the light of the statement made by the Senator and my lack of information, except what I have gathered during the discussion, I would a great deal rather defer any remarks that I may make until I hear from my colleague, because I have gone upon the theory up to this time that it was a plain contractual obligation; the contract made; the lands relinquished to the Government; the obligation resting upon the United States to fulfill its part of the contract. If such was the case, I can well understand how a delinquent head of a Department might imagine for a purpose obstacles in the way, and some friendly attorney enter into a very large contract with the Indians in order to remove that imaginary obstacle. I can imagine that. I have not the slightest idea that such a thing occurred. But I can well understand that it might, and for that reason, if the basis of my remarks should prove to be true, I have no hesitation in saying that a contract for services of that character is against public policy, and Congress should have nothing whatever to do with enforcing it.

Mr. CLAPP. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Certainly.

Mr. CLAPP. The suggestion regarding the head of a Department would apply to Congress; it would apply to the House of Representatives, which this very winter, if I remember correctly, refused to recognize this, although coupled with a proposition of the Indians to cede the other half of their reservation.

Mr. PATTERSON. I had reference only to the head of a Department, and that as a mere possibility; but the presumption should always be that Congress, so far as contractual obligations are concerned, will perform its duty. If it should become the custom of Congress to fail to perform its duty until some ex-Senator or ex-Representative or private attorney appeared upon the scene for the purpose of inciting Congress to activity, it would be a very poor policy indeed, and one the country would resent.

Mr. TILLMAN. If the Senator from Colorado will permit me, I should like to ask why it is any more necessary to have lawyers to collect contractual obligations of the Government to the Indians than it is to have lawyers employed to collect the interest on the public debt or any other debt of the United States?

Mr. PATTERSON. If there is any——

Mr. TILLMAN. Our bonds are contracts. Does anybody have to go to the Court of Claims to collect the interest on his bonds?

Mr. PATTERSON. I have discovered since I have been in the Senate that there are two classes who are either required to pay great fees or voluntarily pay great fees—the great corporations of the country and the Indian tribes. If an attorney happens to have relations with a great corporation, he can earn a hundred-thousand-dollar fee; if he happens to have business relations with an Indian tribe, one single fee will enable him to retire from business and to set himself up as a millionaire in prospect.

I notice that some Senators, who stand guard, with bayonet on their rifles, over the public Treasury in behalf of the people, the dear people—I would use the term "dear," but that it might be presumed that I am sarcastic, which I am not—have no hesitation, with voice and energy and influence, in urging steps to be taken to compel an Indian tribe to pay enough to set up the head of a principality for services that are not in reality legal services, but for services that are simply services of influence, if I may use that term.

Mr. TILLMAN. Lobbying, in other words.

Mr. PATTERSON. Because certain persons happen to have a pull in some direction or great powers of persuasion to induce people to do their plain duty, they are able to secure for services of this character enormous sums of money.

Now, services such as are said to have been rendered in this case, if I am correctly informed, are not legal services at all. It does not require a lawyer to perform them. A man with a glib tongue and with persuasive powers, with friends at court, can do just as much as a lawyer, though he may never have read a page of a statute or a section of Blackstone in bringing about settlements for their so-called "clients" in cases of this kind. They are not legal services. They are services that either should not be rendered or, if rendered at all, should be rendered as acts of friendship from a sense of duty, and not upon the theory——

Mr. CLAY. Will the Senator from Colorado permit me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. With pleasure.

Mr. CLAY. The Senator from Colorado [Mr. TELLER] said this would have to be approved by Congress. I find that Congress has approved it.

Articles of agreement made and entered into on the 9th day of May, A. D. 1891, at the Colville Indian Reservation, in the State of Washington, by Mark A. Fullerton, W. H. H. Dufur, and James F. Payne, commissioners on the part of the United States appointed for the purpose, and the Indians residing on said reservation.

Then setting forth the agreement, it proceeds:

Therefore,

Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

Mr. PATTERSON. What is the date of that?

Mr. CLAY. 1891.

Articles of agreement made and entered into on the 9th day of May, A. D. 1891, at the Colville Indian Reservation, in the State of Washington, by Mark A. Fullerton, W. H. H. Dufur, and James F. Payne, commissioners on the part of the United States appointed for the purpose, and the Indians residing on said reservation.

ARTICLE 1. The said Colville Indians residing and having their homes on the said Colville Indian Reservation, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country on the Colville Indian Reservation, in the State of Washington.

I will get the date directly. The Indians have all signed it—by their mark mostly. The commissioners first signed it, and then the Indians signed it.

Mr. TELLER. What did Congress do about it?

Mr. CLAY. Congress ratified and approved it.

Mr. TELLER. Congress has not paid the money.

Mr. CLAY. I did not say that. Congress ought to have paid the money. It was clearly a debt against the Government of

the United States, and I do not see how there can be any doubt about it. Here is a copy of the act of Congress:

Therefore,
Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed.
SEC. 2. That for the purpose of carrying out the terms and stipulations of said agreement the following sums be, and the same are hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated.

That is the act of Congress itself.

Mr. TILLMAN. What is the date of that? When was it approved?

Mr. CLAY. I do not see the date, but I will find it in a minute.

Mr. CLAPP. If the Senator will permit me, the act of Congress which opened a part of the reservation became a law July 1, 1892.

Mr. PATTERSON. Congress did ratify the agreement by act of Congress and the land was opened to the public.

Mr. CLAY. This is dated December 26, 1891.

Mr. CLAPP. If the Senator had read the evidence of the efforts for fifteen years to get Congress to pay for this land, he would realize that somebody had done some work. It is equally true, perhaps, that Congress has not done its duty.

Mr. PATTERSON. What obstacle was there in the way of making the appropriation, will the chairman of the committee inform us?

Mr. CLAPP. Because it was difficult to make the committees and Congress and the House this winter recognize the claim of these Colville Indians. The Senator from Washington who retired last March I think attempted twice, once I am very certain, to get the Senate to recognize that obligation, and he was unable to do it. The effort has been made repeatedly in one House or the other, but Congress would not, and up to this hour has not done it.

Mr. PATTERSON. What inspiration in the end did influence Congress to do a duty that was so plain?

Mr. CLAPP. The constant presentation of the evidence of the merits of the claim of these Indians.

Mr. PATTERSON. The constant presentation of the plain letter and obligation of a contract.

Mr. CLAPP. Not at all.

Mr. PATTERSON. That is all I see which could have been done.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. PATTERSON. I yield.

Mr. PILES. I think I can explain this matter to the Senator from Colorado. An arrangement was made, as I understand, with the Indians with reference to the northern half of the Colville Indian Reservation by which the Indians agreed to surrender to the Government the north half of that reservation in consideration of certain lands which were to be allotted to the Indians and the payment of $1,500,000. This $1,500,000 it was supposed the Government would raise by the sale of the unallotted land. The Government took possession of the north half of the reservation and allotted certain lands to the Indians and it threw the remainder of the north half open to settlement at a dollar and a half an acre, I think it was. Subsequently Congress repealed the law requiring setlers to pay a dollar and a half an acre for the land which they had taken, holding that inasmuch as other homesteaders had received their homes free it would be unjust to require homesteaders on the north half of this Indian reservation to pay for their homes.

Subsequently, as I understand it, the contention was made that the Colville Indian Reservation was not, as a matter of fact, the land of the Indians; that they were in possession of the reservation by virtue of an Executive order, and they had no title to the land.

Mr. PATTERSON. Mr. President, so far as that claim is concerned, that was all wiped out by the terms of the agreement itself, because it is nothing more than a quit claim so far as the agreement is concerned; we sell all the right and title and nothing more.

Mr. PILES. To the Indians?

Mr. PATTERSON. Yes.

Mr. PILES. I am endeavoring to show why these Indians had to employ lawyers to prosecute their claim. My recollection is that one of the judges in the circuit court of the United States in my State held that the Indians did not have title to lands because they had been sent on the reservation by Executive order.

Now, there came a great pressure upon Congress from the people of the State of Washington to open the south half of the reservation to settlement, because it is one of the most beautiful and fertile countries in the world. I myself have traveled over it and know whereof I speak. The Indians were unwilling to cede the south half of the reservation until their brother Indians on the north half were paid what they claimed to be their just right, $1,500,000, and they refused to consent to the opening of the south half until the money was paid.

In the meantime the Indians employed lawyers in my State, gentlemen of great ability, to represent them and see if they could not get the Government to pay them the $1,500,000. They had been raising the question here, there, and everywhere that they were entitled to this money, and that they owned this land, notwithstanding the Executive order.

Mr. TILLMAN. Will the Senator from Washington yield for a question?

Mr. PILES. With pleasure.

Mr. TILLMAN. I presume that the north half, which we did agree to buy, is equally as fertile and beautiful as the Senator says the south half is.

Mr. PILES. I think it is.

Mr. TILLMAN. Yet we force the Indians to employ lawyers to get a pitiful dollar and a half an acre for land which we gave to these men.

Mr. PILES. To get a dollar and a half an acre.

Mr. TILLMAN. And here is a treaty signed by the commissioners of the United States and the Indian chiefs, which the Senator from Georgia has just quoted, and the Government ratified it through Congress and we were to pay a dollar and a half for lands which the white men of Washington occupy and want, and when they want the other half, and the Indian says, "I will not sell you the land until you pay for the other," it took lawyers to collect it.

Mr. PILES. No; it did not take any lawyers to collect it. These lawyers had already been employed.

Now, Mr. President, this is not singular. This is not a peculiar case. Fifty years ago this Government took from the Indians in my State a tract of land greater than all New England, which the Indians ceded to the Government.

Mr. PATTERSON. Mr. President——

Mr. PILES. Fifty years the Government agreed in consideration of that cession.

Mr. PATTERSON. I did not yield to the Senator for a speech.

Mr. PILES. I do not wish to occupy the Senator's time, but I wanted to make a statement.

Mr. PATTERSON. And really the Senator has made it.

Mr. PILES. I wanted to show how the Indians have been deprived of their rights in certain instances, and have been compelled to employ counsel to assert those rights.

Mr. PATTERSON. Mr. President, I do not profess to have knowledge from a personal investigation of any duties that might be legitimately or necessarily required in order to bring about a settlement with the Indians for the sum of money that the Government agreed to pay. I have no knowledge of the legal or other difficulties that legitimately arose to require the employment of attorneys either to appear before a Department or before committees of Congress. I went upon the theory that the statement which was repeatedly made was true without reserve, namely, that here was a plain contractual obligation resting upon the Government, that from sheer negligence or indifference the Government refused or failed to pay, and that somebody was employed to stir up the different branches of the Government, so that those branches might do their duty. What I wanted to enforce was that services of that character are not legal services in any sense of the word.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. PATTERSON. Well, for a question.

Mr. McCUMBER. May I ask the Senator how he would differentiate that case from the one I will state? The Government granted certain lands to Indians somewhere about seventy-five years ago. The Indians had a fee simple to that land. They transferred it to one person. I think it was the Eli Ayres case; I am not certain. The Senator from Colorado will know.

Mr. PATTERSON. No.

Mr. McCUMBER. He purchased those lands. The Government then refused to issue its regular patent and resold the lands to others. For seventy-five years the owner of those lands, who had sought to get back his money that he had paid, was unable to get it. I do not know that he has got it yet.

Now, would the Senator think that in a case of that kind it was public policy for the heirs of that estate to pay an attorney for getting a bill through Congress and getting Congress to take hold of the matter?

Mr. PATTERSON. The two cases are very easily differentiated, Mr. President.

Mr. McCUMBER. On the ground of public policy, I mean.

Mr. PATTERSON. Yes; on the ground of public policy. The one I am supposing and that I presume exists is different from the one suggested by the Senator from North Dakota in many material particulars, but it is not at all necessary that time should be consumed in entering into a discussion of the differences.

What I wanted to enforce was the proposition that if the services to be rendered are simply to induce a department to do its plain duty, or a committee of Congress to do its plain duty, or the Senate and House to do its plain duty, those services are not professional in the sense of being legal services. They are services of a lobbyist, pure and simple. It depends upon the influence and the persistency of the individual who may assume to endeavor to set the different branches of the Government into motion. Services of that kind should not be recognized. They should be esteemed by every Senator and Member and the head of a Department as they are regarded by the courts of the country, as against public policy.

If that is the character of the claim that is provided for in the section of the conference report which is being discussed, then I have no hesitation whatever in saying that so far as my vote is concerned it will receive no countenance at all. If an attorney performs legitimate services, whether before a Department, or possibly before a committee of Congress if a committee was seeking enlightenment upon a question of law, then morally at least, an attorney deserves to be paid fair compensation in proportion to the quality of the services that he rendered and the time that was necessarily consumed; but for services that can only be characterized as the services of a lobbyist Congress ought not to contaminate itself, directly or indirectly, by even seeming to give credit to claims based upon such services.

Mr. McCUMBER. Does the Senator consider that an attorney engaged in ascertaining the title that Indians had to land, and spending years in getting the history of the tribe and everything bearing on the question of the Indian title to the lands is a lobbyist?

Mr. PATTERSON. I did not inject that into my proposition.

Mr. McCUMBER. But that is a part of the services that are sought to be paid in this case.

Mr. PATTERSON. My proposition was—and I heard no serious contention of it until I raised the issue—that it was a clear cut, unequivocal contractual obligation by the Government with this Indian tribe to pay them a million and a half dollars; that there was no legal obstacle in the way; and that the services which were rendered were simply calculated to move the Department and to move Congress in a direction in which they should have moved voluntarily in the performance of a plain, simple, official duty.

Mr. TELLER. Mr. President, I wish to call the attention of the Senate to the statutes of the United States, which some Senators certainly have overlooked. If Senators will turn to section 2103 of the Revised Statutes, they will find the following:

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows.

Now, Mr. President, there is authority enough for anyone to make a contract under the conditions that existed in this case or almost any other that may be considered.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per cent of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

That is about all of that. A reference to the particular contract in this case will be found by looking at a letter in the report of the Committee on Indian Affairs which accompanied this bill. On page 138 of that report I find the following:

On May 12, 1894, the Indians of the Colville Reservation entered into a contract with Messrs. Levi Maish and Hugh H. Gordon, attorneys, stipulating for their employment to prosecute the claim of these Indians against the United States for payment of their interest claimed by them in the lands of their reservation that were restored to the public domain by the act of July 1, 1892, supra—

That act I have here if any one desires to look at it—

and which were opened to settlement by proclamation of the President.

Mr. PATTERSON. May I ask my colleague if the act restoring the land to the public domain describes the land that was contracted for by the Government with this tribe of Indians?

Mr. TELLER. The Senator can look at it right there. It is rather difficult to state what it does provide. It is the act of July 1, 1892, and will be found on page 62, volume 27, United States Statutes at Large.

The letter of the Commissioner of Indian Affairs from which I have been reading continues:

Said contract was approved by this office on July 17, 1894—

The Department must have believed that there was a necessity for these lawyers, that there was something for them to do—

limiting the fees to be paid the attorneys to 10 per cent of the recoveries, and was similarly approved by the Department on July 25, 1894.

That is, by both the Commissioner and the Secretary of the Interior.

This contract expired by limitation on May 12, 1904.

The Department, on April 2, 1904, referred to this Office, for report, a bill (S. 5293) for the relief of the Colville Indians. This bill provided, among other things, that the Secretary of the Treasury should state an account of the Colville Indians against the United States, in which credit was to be given the Indians for the amount provided under the agreement of May 9, 1891, and were to be charged with the amount allowed them under the terms of the act approved July 1, 1902. (27 Stat. L., 62.)

In the report of the bill, dated April 14, 1904 (Finance), the Office again reviewed the entire case, and recommended the passage of the bill. With that report was a copy of Office letter dated March 25, 1899 (see committee hearings on Indian appropriation bill, 58th Cong., 3d sess., p. 133), in which the Office reviewed at some length the matter of the title of the Colville Indians to the reservation set apart for them by the Executive order of July 2, 1872, and stated that it had not the slightest doubt as to the possessory rights of said Indians to the lands within the reservation, "rights which the courts have always recognized without qualification, and which it was the uniform practice of the legislative and executive branches of our Government to observe and respect during nearly a century of its history."

Mr. President, without going into any elaborate discussion of this matter, which I do not propose to do, in 1872 the President set aside, by an Executive order, an extensive reservation containing at least three or four million acres of land. In that order he included a settlement of several hundred white people. There was great complaint up there, of course, about it, and then it was modified. Another Executive order was issued, changing the boundaries so as to leave out those white people.

Now, that has been the question. The question was, Did these Indians own that land when the Executive order was made out, or was it an attempt on the part of the President of the United States to give them a tract of land which did not belong to them? It was asserted by those who did not want the Indians there that it never had belonged to them, that they had never owned the land, and, Mr. President, there was some force in that declaration, undoubtedly. But it was a recognition by the President that they did own that land, because they were there in possession of it and had been in possession of it since anyone knew anything about that section of country.

There was a report made May 12, 1892, by the Committee on Indian Affairs of the Senate, Mr. Manderson, then a Senator from Nebraska, making the report, in which the question came up as to their rights to the ground. It is an extensive report, and I will not attempt to read it. They did not in that bill recognize the right of the Indians to that land. We proceeded in spite of that to open the land, and in spite of the fact that we had already an inchoate treaty with these Indians, or an arrangement which was not then consummated, and I do not believe it has ever been consummated since, although there may have been some recognition of their right, because in the bill of the House I have just handed my colleague it was provided, as I recollect, that the Indians might take allotments inside of this land opened to the public at large.

Mr. President, this matter has been here a long time. It has had all the time, I think, the approval of the Department of the Interior that the money ought to be paid. I myself was not very friendly to the payment of the money originally. I thought it was rather an unfair proposition in the first place to include these white people; and then, again, I thought it was rather unfair to give to the Indians the benefit of all the lands there were in that section of the country. But the Department has steadily

and repeatedly declared that, in their opinion, they were entitled to it; and in this letter sent to the Senate February 11 the Department again declared that the Indians are entitled to this money—money, Mr. President, which they did not get, money which they have not got to the present hour, and judging from the disposition of some Senators, at least, money they are not likely to get for some time to come.

It may be that it is a very improper thing to allow men to come here and present the claims of the Indians against the Government, but it has been done ever since I have been in the Senate.

Mr. MORGAN. They have no other place to make application.

Mr. TELLER. As the Senator from Alabama well says, they have no other place to make the application. They can not sue the United States. The history of our dealing with the Indians is full of cases where the Government of the United States has finally acknowledged its liability by the persistent efforts, not of lobbyists, but of men who brought before the committees evidence that the Government was under moral and legal obligation to render to the Indians what they claimed. Not long ago the Supreme Court of the United States rendered a judgment for nearly $4,000,000 that we had been refusing to pay for many years.

Mr. President, you can not get a case against the United States until you come here and first get a committee to look it over or get permission to go into a court and bring a suit. That is what has been done repeatedly; and that is what every man connected with the Indian affairs of this country knows has been an absolute necessity. Recognizing that, the statutes of the United States have provided carefully and prudently and properly under what terms attorneys should be allowed to present the claims of the Indians here. There is no decision of the United States Supreme Court or of any other court that will deny that he who has brought himself within the provision of that statute is not entitled to as much credit as anybody else who prosecutes a claim against an offending debtor.

Mr. President, I stated a few moments ago that away back years ago I questioned the right of the President of the United States to recognize that these people were the owners of that land to the extent that he did. But he did it by sending men there who made a contract with them, not one that binds us, but we never repudiated it except when we took the lands which they were occupying, which they were claiming, without paying for it, but recognizing by the very act that they were entitled to something, because we gave them permission to segregate a portion of that land and take it as their own, and we did not give to any white man who went upon that land the same terms.

Mr. President, our official bodies and officers charged with the duty of looking after the interests of these Indians have recognized such claims. They have recognized the right of the Indians to have their attorneys come before the Senate committees to plead their cause. The Senate has in innumerable instances provided for the payment of attorneys without going to the court when there was no question about the sum to be paid, and when there was a difficulty of that kind we have sent them to the court.

Within the last two years we paid attorneys in the Indian Territory $750,000 upon a contract approved by the Department of the Interior, as the law required, which gave them a million and a half dollars. They had secured from this Government the payment to the Indians of—well, I will not say from the Government—but they had settled a controversy in favor of the claimants that was worth to them at least $3,000,000, because it was a question of the ownership of land. They had brought to their clients a great fortune—not to a few men only, but to a large number of clients.

Mr. SPOONER. Seven hundred and fifty thousand dollars is a pretty large percentage of $3,000,000.

Mr. TELLER. Mr. President, I have myself never had any relation with the prosecution of any claim of this kind, but I have been where I have seen it. I am told by one of these men—and he is a reputable man—that he had broken himself up and was bankrupt because of his efforts to get that controversy righted long before he got a dollar out of it.

The attorneys prosecuting such claims put up the money; they come here and they hang around. Sometimes, I will admit, they become offensive and objectionable; and yet, after all, when they get through, when they have got permission to go to court, as they have again and again, and when the court, the place of last resort to settle these questions, has determined that the Government has been wrongfully withholding from the Indian money which belongs to him, nobody can complain of their persistency. The attorneys ought to be paid such a sum as, in the judgment of Congress, they are entitled to, or such a sum as the court shall determine they are entitled to for the services rendered. This is the first time, Mr. President, in the Senate or anywhere else, that I have heard that such conduct on the part of attorneys was forbidden, either by the unwritten moral law or any other law. It is authorized by statute and authorized by at least fifty years of practice.

Mr. President, I ask to be allowed to add to what I have said a letter from the Commissioner of Indian Affairs, dated February 11, 1905.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 11, 1905.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by Department reference, for report, of a communication dated February 4, 1905, from Hon. W. M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing copy of amendment to be proposed by Mr. Foster, of Washington, to the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department, etc., for the fiscal year 1906.

The amendment is intended to carry into effect the agreement, dated May 9, 1891, between the Indians residing on the Colville Reservation and the commissioners appointed by the President, under authority of the act of Congress approved August 19, 1890, to negotiate with said Indians for the cession of a portion of their reservation. The amendment provides that there shall be set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress, the sum of $1,500,000, in full payment for 1,500,000 acres of land ceded by said agreement.

* * * * * * *

In order to furnish the information called for it will be necessary to refer to some of the history relative to the establishment of this reservation. The Executive order of April 9, 1872, set apart for the use and occupancy of the Colville and other Indians residing in that vicinity the tract of country in the then Territory of Washington lying between the Columbia River as the western boundary and the Pend Oreille (or Clarks Fork) and one hundred and seventeenth meridian (Idaho Territory line) as the eastern boundary, and between the Spokane River as the southern and the British possessions as the northern boundary.

Soon after the issuance of said order it was alleged, by correspondence received in this Office, that the lands covered thereby embraced almost the entire white population of Stephens County, numbering about 600 people, two villages, 100 farms, several saw and flour mills, a court-house, jail, etc., and it was desirable that the Executive order should be revoked. Upon the recommendation of the Department, the President, by Executive order of July 2, 1872, revoked said order of April 9, 1872, and directed that in lieu thereof a country bounded by the Columbia River on the east and south, by the Okanogan River on the west, and by the British possessions on the north be set apart as a reservation for said Indians. This was the boundary of the reservation at the time that the agreement was entered into with said Indians to cede a portion of their reservation to the United States.

The Indian appropriation act approved August 19, 1890 (26 Stat. L., 355), authorized the President to appoint a commission to negotiate with said Indians for such portion of their reservation "as said Indians may be willing to dispose of, that the same may be opened to white settlers." A commission was appointed by the President, and on May 9, 1891, they entered into an agreement with the Indians residing on the Colville Reservation for the cession by said Indians of an area of country comprising 1,500,000 acres of land, at a consideration of $1,500,000 in money payable in five equal annual installments, to be distributed per capita among the Indians entitled to receive it, and other benefits of value, the deferred payments to draw interest at the rate of 5 per cent per annum.

This agreement was, by letter of January 6, 1892, with a draft of a bill prepared by this Office, transmitted by the President to Congress for its action. The correspondence relative to this matter up to the submission of the agreement to Congress is printed in Executive Document No. 15, Fifty-second Congress, first session.

The Senate Committee on Indian Affairs refused to recommend the ratification of the agreement, taking the ground that the Indians had no title to the reservation set apart for them by the Executive order of July 2, 1872, which the Government was bound to recognize and which would, in effect, be recognized by the ratification of the agreement. (See Senate Report No. 664, 52d Cong., 1st sess.)

In lieu of ratifying the agreement a bill was reported by the Senate committee vacating the north one-half of the reservation (the part proposed to be ceded by the agreement), which bill became a law July 1, 1892, without the President's approval. (27 Stat. L., 62.)

That act provides for the disposal of the vacated land under the homestead laws at $1.50 per acre, in addition to the fee provided by law, and that the net proceeds arising from the sale and disposition of the lands to be opened to settlement and entry shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to the expenditure by the Secretary of the Interior, from time to time, in such amount as he shall deem best in the building of schoolhouses, maintenance of schools for such Indians, and in such other manner as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

The act also provides for the making of allotments in severalty to the Indians located on the lands restored to the public domain, the title of such allotments to be held in trust by the United States for the period of twenty-five years.

By the act of February 20, 1896 (29 Stats., 9), Congress extended the mineral-land laws of the United States to the lands embraced in the north one-half of the Colville Reservation.

On February 7, 1903, the President approved "An act providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Wash-

ington, and reserving the public lands for that purpose." (32 Stats., 803.)

In February, 1903, the Department referred to this Office, for report, a communication, dated February 16, 1903, from Hon. William M. Stewart, chairman of the Senate Committee on Indian Affairs, inclosing a copy of bill (S. 7264) "conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Colville Indians in the State of Washington," with request for a report thereon for the information of the committee.

On February 25, 1903, this Office submitted to the Department a report setting forth at considerable length a history of the case, and in support of the bill the Office said it would seem that the Indians of the Colville Reservation are asking, not without reason, that their claim for compensation of lands excluded from their reservation be referred to the Court of Claims for determination, and so far as this Office was concerned it had no objection to offer to the enactment of the bill (S. 7264) having that end in view. It expressed the opinion, however, that the Indians would have difficulty in recovering compensation through the action of the courts, in view of the decision of the United States Supreme Court in the case of Lone Wolf et al. *v.* Hitchcock (reported in Senate Ex. Doc. No. 147, 57th Cong., 2d sess.; also Compilation of Laws and Treaties Relating to Indian Affairs, 2d ed., Kappler, Vol. I, p. 1058), in which it was held in effect that Congress, in the exercise of its administrative authority over tribal Indian property, possesses full power in the premises which the judiciary may not question or inquire into.

The bill provided that the Indians might bring suit in the Court of Claims by an attorney or attorneys authorized to represent them, whose compensation should be fixed by the court; also that the Attorney-General should appear and defend such suit. The Office strongly recommended that in order to afford the Indians full protection in the employment of counsel the bill be so amended as to provide for the employment and compensation of counsel by the Indians under section 2103 of the Revised Statutes, instead of allowing the Court of Claims to fix the compensation of the attorneys. The bill in question, however, did not pass.

On May 12, 1894, the Indians of the Colville Reservation entered into a contract with Messrs. Levi Maish and Hugh H. Gordon, attorneys, stipulating for their employment to prosecute the claim of these Indians against the United States, for payment of their interest claimed by them in the lands of their reservation that were restored to the public domain by the act of July 1, 1892, supra, and which were opened to settlement by proclamation of the President. Said contract was approved by this Office on July 17, 1894, limiting the fees to be paid the attorneys to 10 per cent of the recoveries, and was similarly approved by the Department on July 25, 1894. This contract expired by limitation on May 12, 1904.

The Department, on April 2, 1904, referred to this Office, for report, a bill (S. 5293) for the relief of the Colville Indians. This bill provided, among other things, that the Secretary of the Treasury should state an account of the Colville Indians against the United States, in which credit was to be given the Indians for the amount provided under the agreement of May 9, 1891, and were to be charged with the amount allowed them under the terms of the act approved July 1, 1902. (27 Stat. L., 62.)

In the report of the bill, dated April 14, 1904 (Finance), the Office again reviewed the entire case and recommended the passage of the bill. With that report was a copy of Office letter dated March 25, 1899 (see committee hearings on Indian appropriation bill, 58th Cong., 3d sess., p. 133), in which the Office reviewed at some length the matter of the title of the Colville Indians to the reservation set apart for them by the Executive order of July 2, 1872, and stated that it had not the slightest doubt as to the possessory rights of said Indians to the lands within the reservation, "rights which the courts have always recognized without qualification, and which it was the uniform practice of the legislative and executive branches of our Government to observe and respect during nearly a century of its history."

The letter of March 25, 1899, is too lengthy to be copied at this time, but if the copy heretofore furnished can be procured, the Office would desire very much that it be considered in connection with this report.

In all of the reports made by this Office in regard to the rights of the Indians to that part of the reservation ceded to the United States in the agreement dated May 9, 1901, it has expressed the opinion that the Indians had a good and valid title to the land in question, and that they ought to be paid the amount stated in the agreement made with them by the commission appointed for that purpose. Therefore that part of the amendment which provides for carrying into effect the agreement of May 9, 1891, meets with the hearty approval of this Office.

* * * * * * *

Very respectfully,

F. E. LEUPP, *Commissioner.*

The VICE-PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] By the sound the "ayes" have it; and the report is agreed to.

Mr. TILLMAN. Mr. President, there are two or three other matters in the report that will have to be explained.

The VICE-PRESIDENT. Does the Senator rise to the conference report?

Mr. TILLMAN. Yes, sir; I rise to speak in reference to the report.

The VICE-PRESIDENT. The Chair will, then, consider the report as before the Senate.

Mr. TILLMAN. Mr. President, the provision under discussion may not be subject to a point of order as being entirely new matter, though neither House considered it; but it is tacked onto and made part of an amendment which relates to the Colville Reservation. Possibly it would not be technically subject to the point of order, though it is really extraneous and entirely new and relates to a subject with which neither the Senate nor the House has dealt.

The question of morality, honesty, and decency, I suppose, can not be well brought in here; but it does really look to be extraordinary that a treaty made with these Indians for the purchase of their land, and signed by the commissioners representing the Government and by the Indian chiefs, and ratified by Congress, the debt being recognized as a perfectly valid obligation of the Government—I say it does seem extraordinary that, after such a proceeding, it then becomes necessary for lawyers to step in and get some kind of an agreement, which has never been produced—we are told it exists, and I suppose it must exist—but some kind of a contract is entered into by attorneys to collect this claim from the Government. The claim goes on until it runs out of date, Congress neglecting its duty to pay its just obligations, and then, finally, here, in the closing days of this session, without the Indian Committee having considered it this year, this provision is brought in recognizing a claim of lawyers, and reference is made to the Court of Claims to determine the character and justice and legality, I presume, of the claim of these attorneys.

What I complain of, Mr. President, is that the committee did not put this provision in regard to the claim of these attorneys into the bill, but that it must go in through the back window, so to speak, of the conference committee. Leaving out all considerations of the legitimacy and propriety of the action, it does look to me to be extraordinary and a disgrace to this Government that such a proceeding is necessary or is permissible.

I do not know how we are going to stop it, unless the Senate should at some time take steps to take cognizance of what is being done here and take up such provisions as this and kick them out. I myself should like to get an opportunity to vote against any such scheme of spoliation as this. I do not want to call it "a steal," but it has every appearance of one; and while the Court of Claims may report that it is not a valid obligation of the Indians, still it is a system, a method of dealing with this question that ought not to be permited.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. LA FOLLETTE. Mr. President, there is another provision of the conference report to which I ask the attention of the conferees of the Senate. Amendment numbered 56, on page 6 of their report, amends the act for the final disposition of the affairs of the Five Civilized Tribes. Section 2 of that act, or the portion of it to which I wish to direct attention, is as follows:

SEC. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof.

Omitting the balance of the section down to the second provision of that section, I read as follows:

Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: *Provided*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States.

When the Indian appropriation bill was pending in committee an amendment was inserted striking out of this section of the act for the final disposition of the affairs of the Five Civilized Tribes what I have just read. The reason assigned at the time for adopting this amendment was that the minors or infants who were provided for in the beginning of the section would probably be considered as "persons," and it was deemed advisable to amend the act by striking out the provision leaving the law as it stood with all of the limitations therein, which afforded ample protection to the tribes and to the people.

The conference report, amendment No. 56, strikes out that provision and introduces another that reverses the action of the committee which reported the bill and of the Senate in passing it.

Mr. PATTERSON. To what amendment does the Senator refer?

Mr. LA FOLLETTE. Amendment numbered 56, on page 6 of the conference report. The new matter proposed to be substituted for the proviso which was embraced in the appropriation bill is this:

Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment, entitled to enrollment, in any of said tribes, except for minors, the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided.

And I call especial attention to the concluding lines, which are as follows:

And the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

Now, note the distinction. The act of April 26, 1906, known as the "Five Civilized Tribes act," which this proposes to

amend, or the proviso sought to be eliminated from it, dealt wholly with applications for enrollment. This amendment reads:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes.

The insertion of the words "or to be entitled to enrollment" contemplates a legislative judgment to take effect at the date of the passage of the act now before us.

This amendment of the conference report, if adopted, will work a great injustice to a large number of Indians. There are now pending before the Department of the Interior and the Commissioner to the Five Civilized Tribes, for adjudication, a final determination of the rights of at least 2,000 persons. These are in every instance the application of parties in relation to whose cases special investigation was required prior to a final determination. When the applications were taken by the Commissioner to the Five Civilized Tribes, if any question was raised as to their right to be enrolled, whether of fact or law, the Commissioner listed them upon what is called a "doubtful card," using a card index for that purpose. This was done in some cases where there appeared scarcely a doubt as to the right of the party making the application, but where the nation, through its representative, questioned the right of the claimant, desiring to look the matter up and determine in the future, or desiring to produce further testimony, or being in doubt as to the application of the law. The names of the people whose rights were thus questioned were placed upon doubtful cards, without the formality of sworn complaint, alleging either fraud, mistake of law, or mistake of fact.

This doubtful card list is naturally the only list to be handled by the Commissioner. These cases, if taken up for consideration, would be disposed of, under the legislation heretofore enacted, before March 4 next. This amendment, however, provides that no person shall be entitled to enrollment after the date of the passage of this act. These cases are still pending, awaiting investigation. They had no hearing at the times the rolls were being made. They have had none since. The adoption of this amendment will exclude them from any opportunity to show that they are entitled to enrollment. It makes no difference that they are of Indian blood, that they have been recognized as members of the tribes, that they have always resided with them, that their tribal rights have never been questioned. If this amendment is adopted their cases will never be heard and their rights never determined.

There is another class of cases that will be foreclosed from any hearing if this conference report is adopted. Under the act of 1896 the rolls established by the different tribes were recognized, and Indians whose names were entered upon those rolls by the tribal courts or tribal commissions that were recognized by the act were entitled to participate in the tribal funds and tribal property, unless some question was raised with respect to the regularity of their enrollment. There are about 150 cases of Indians entered upon the rolls by the tribal authorities, with respect to whose enrollment, however, within three months some question was raised by some Indian or some attorney for some Indian tribe. Those cases are still pending. The Interior Department has recognized the validity of those rolls so made up. The opinion of the assistant attorney-general of the Interior Department has been recently rendered, and holds that entry upon tribal roll was an application under the law within the three months' period and that the Commission to the Five Civilized Tribes should so consider it, but that he was authorized to investigate each case upon its merits and under existing law to strike from the rolls any names which were placed there by fraud or without authority. The Secretary of the Interior approved this opinion. This conference amendment will deny the right to these people which the Interior Department says they are entitled to have tried out and determined.

Furthermore, there are a number of cases pending in the United States Supreme Court which were taken care of in the second proviso at the end of section 2 in the act for the settlement of the affairs of the Five Civilized Tribes, the language there being as follows:

Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

There are several of those cases. It is proposed now by this conference report to cut out those people. Amendment No. 56 repeals that provision of section 2 of the act for the settlement of the affairs of the Five Civilized Tribes.

Mr. CLAPP. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. I think the Senator is laboring under a mistake as to the effect of these provisions. The first prohibition in the act known as the "Five Civilized Tribes act" provided that no one should be enrolled as a citizen unless he had made application. The intermarried citizens have made application. In section 2 we expressly provide that the rolls should not be closed finally until March 4, 1907, on account of that case pending in the Supreme Court. The case has been argued and submitted. We had—and have now—every reason to suppose it would be determined. The right would not go back as to applications. If they had made their applications—and if they had not, of course they could not come in—they would have a right by any act that we passed between the 1st day of December and the 4th day of March to extend the time.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. If the Senator will allow me, in connection with what the Senator from Minnesota [Mr. CLAPP] has stated, I should like to ask whether the proviso that is now adopted by the conference report forecloses the right of these people to be heard between now and March 4 next?

Mr. CLAPP. I do not see how it can foreclose anybody. Of course, under this provision we simply enact that tribal rolls shall not in themselves constitute evidence that application was made to the Commission for enrollment. That is the provision that is put in the conference report. Section 2 provides—that portion of it which is unaffected:

That for ninety days after approval hereof applications shall be received for enrollment of children.

And then it provides in section 1:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

Now, section 2, even if it had not been changed, would not have affected those rights at all, but in recasting section 2, which we could not do in conference because of the complications, and in making the prohibition correspond to the first two lines of section 2, which provides for the enrollment of children, we simply provide:

Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes——

Mr. LA FOLLETTE. That is exactly the point. The proviso in section 1 of the act for the settlement of the affairs of the Five Civilized Tribes is as follows:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905.

Now, where Indians appeared before the Indian authority recognized by the act of 1896 and had their names entered upon the tribal rolls, they went away satisfied that their cases were provided for, and, of course, made no application within the three months' period to the Dawes Commission, because the act of 1896 recognized enrollment upon the tribal rolls. Now, this amendment proposes——

Mr. CLAPP. If the Senator will pardon me, the bill already passed, in April, I think it was, limited it to the tribal rolls practically in charge of the commissioner. It says:

Upon any of the tribal rolls and for whom the records in charge of the commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905.

Mr. LA FOLLETTE. Yes.

Mr. CLAPP. Nothing in this amendment one way or the other can touch that.

Mr. LA FOLLETTE. Yes; but unless there was a distinct application to the Commission and some record of it preserved independently of the entry of the names upon the tribal rolls, section 1 of the Five Civilized Tribes act does not authorize the Secretary of the Interior to enroll persons applying. If it is not the purpose of this amendment to exclude these Indians, what is the significance of the words:

Or to be entitled to enrollment in any of said tribes.

Furthermore, if it is not the purpose to exclude those who were entered on the Indian rolls by the Indian authority recognized under the act of 1896 and whose entry there was understood by them, and I think fairly contemplated by the act, to establish their tribal rights, why is this provision incorporated in the conference report:

And the fact that the name of a person appears on the tribal roll of any said tribes shall not be construed to be an application for enrollment.

If any Indian, pursuant to the act of 1896, secured the entry of his name upon the tribal roll, but did not, in addition, file a formal application with the Dawes Commission, he would be excluded, because the Secretary of the Interior is only authorized by section 1 of the Five Civilized Tribes act to enroll those whose names appear on a tribal roll "*and for whom the records in the charge of the Commission to the Five Civilized Tribes show application was made prior to December 1, 1905.*"

Mr. CLAPP. What rolls do you refer to? Do you refer to the rolls in charge of the Commissioner, and inferentially in the Department? They are retained as proof, as records in the hands of the Commission. But the rolls that have been taken out among the tribes, as to which nobody knows what may have been done, are prohibited from being evidence in themselves.

Mr. LA FOLLETTE. I refer to the rolls that were recognized by the act of 1896, and I say there are 150 Indians, at least, who were enrolled under that act, but as to whose rights some question was made at the time, so that they were not certified by the Dawes Commission; I say that their cases are still pending; that they made no other application, and that there is no record with the Commission, which is required in addition to the tribal roll, to entitle the Secretary of the Interior to enroll an applicant.

Mr. CLAPP. The Senator must be mistaken. They are applications; they are records in the office of the Department.

Mr. LA FOLLETTE. But the amendment of the conferees provides:

The fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

What is the purpose of that if it is not to shut them out?

Mr. CLAPP. If the Senator will permit me, I will answer once more. In the first place, any application that is pending is reserved under these two laws, with the conference amendment as we have it.

Mr. LA FOLLETTE. That is, if it is an application inpedendent of the mere entry of the Indian's name upon the roll.

Mr. CLAPP. Not necessarily. If that roll is now in the office, if that roll is in the charge, in the custody, of the Commissioner or the Department here, it is construed as an application, and the Secretary is recognizing it, and he has until the 4th of next March to complete it. If it consists of a card left with the Commission, it is an application. But these rolls that are not there, which may never have been there, rolls over which there is no control by the Government, which may have been tampered with ad libitum, this provides, wisely, and as it justly should, shall not, of themselves, constitute evidence of application. It seems to me the plainest proposition in the world.

Mr. LA FOLLETTE. There is nothing in the amendment of the conferees with reference to those rolls which makes the distinction the Senator draws. It is a broad, sweeping provision.

Mr. CLAPP. I will state it once more.

Mr. LA FOLLETTE. Do not state your construction of the law, just read the provision of the law, and allow Senators to make their own construction of it.

Mr. CLAPP. It reads:

That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes—

It is not even limited to the official records—any records—

show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law: *Provided further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors, the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of 1830, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

That has to be read into the law which we passed in April. I insist that if the conference report becomes a part of the law, it simply will prevent rolls which have passed out of the control of the Department, being received as evidence not only of enrollment, but of application for enrollment.

Mr. LODGE. May I ask is this an amendment to the act in regard to the Five Civilized Tribes?

Mr. CLAPP. Yes, sir. Because in the Five Civilized Tribes act——

Mr. LODGE. That is the act we passed this winter?

Mr. CLAPP. Yes, sir.

Mr. LODGE. The whole act will have to be construed as one instrument.

Mr. CLAPP. Certainly.

Now, further, the reason why we had to pass that is this: When we got into conference we provided in section 2:

That for ninety days after approval hereof, applications shall be received for enrollment of children.

Then we went on down here:

That nothing herein shall be construed so as to hereafter permit any person to file an application.

There was nothing we could take into conference, and, as I stated when the amendment was before the Senate during the pendency of the Indian appropriation bill, it was put in so as to have the mattor a subject of conference. I certainly would not knowingly deprive anyone down there of his rights. That is why we left it until next March to complete these rolls.

Mr. BAILEY. I should like to ask the Senator from Minnesota if there is anything in this bill to affect the status of what are known as "children of intermarried whites?"

Mr. CLAPP. I do not think there is. I certainly do not recall it.

Mr. BAILEY. I have had my attention called to a general statement that amendment No. 56 was intended to deprive children of intermarried whites of their rights, but I can not read that amendment to mean that. Of course I take the Senator's assurance.

Mr. CLAPP. I certainly can not be mistaken, so far as that is concerned. We had no such thought in mind.

Mr. TILLMAN. There is another provision here which I should like to have the Senator in charge of the bill explain.

Senate amendment No. 50, at the bottom of page 42, provides as follows:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

The Senator will recall that when this bill was in the Senate, I suggested this very amendment to him, and I prepared an amendment of this character. But he, after communicating with the Department, declared they were very much opposed to it. It seemed to me a very wise and reasonable and just provision that the names of the landowners as recognized by the Government, not the persons who have been suggested by the Senator from Wisconsin as entitled to enrollment, but those who were actually recognized as participating in the allotment of lands, should be accessible at each county seat, or other place of record, so that any person desiring to buy from an Indian could find out whether he was buying from an Indian recognized as such or was buying from an imposter or from some one whose claim to land had been disallowed.

This amendment went on the bill in the Senate, and it comes back in the conference report with this proviso. I want Senators to listen, for a more drastic and extraordinary provision I have never heard of:

That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commission to the Five Civilized Tribes, or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law.

It appears to me that the Senate amendment, which provided for the deposit in an accessible place for the benefit of the public of these tribal rolls, is not only destroyed, but that this penal statute, which is so sweeping and drastic in its provisions, has no justification whatsoever. The only interpretation I can put upon it is that those who are interested in being go-betweens between the Indian owners of land and the white persons who may want to buy lands are determined to keep up the system of fees, or blackmail, or whatever else you may term it, for what ought to be information accessible to anyone. I should like to have an explanation why this provision was put in here.

Mr. CLAPP. That is very easy indeed, Mr. President, and I do it with a good deal of pleasure.

Pending the passage of this bill there was a great deal of trouble in the Indian Territory; parties were arrested, I think indicted, although I would not say how far the proceeding went, for surreptitiously getting the rolls. They were liable to make—although I do not say they got that far with it—what would seem to be copies of the rolls, with no responsibility attaching to the person who did it, and use those false rolls, improper rolls, for the purpose of dealing in land down there. A bill was pending in the Senate—I think it had passed the

House—making it a misdemeanor to use the rolls, and the Senate amendment on this subject was as follows:

That the Secretary of the Interior shall have prepared and printed in a permanent record book the tribal rolls of the Five Civilized Tribes, and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection free of charge.

That also was very liable to lead to trouble until those rolls are absolutely completed, and so the conferees inserted the words "upon completion of the approved rolls."

Experience has abundantly proved down there that access to these rolls before they are completed, while they are the subject of review, perhaps the subject of examination in the Department on appeal, and still subject to review, may lead and does lead to a great deal of trouble and difficulty. Until the rolls are completed no person should be placed where he or she may rely upon their correctness, because it is liable to mislead them and lead them into trouble. When these rolls are completed, there should be one place where they can be found and examined, their authenticity absolute and unquestioned, and that is in the recording offices of the Territory. So we provided that after the rolls were completed, one copy of each book should be deposited in the office of the recorder in each of the recording districts for public inspection.

I wish to say in this connection that this was at the urgent solicitation of the Department of the Interior. I never knew a man who worked as hard and incessantly, actuated by such an absolute sense of duty to his trust, as this man does. I never knew a man who worked surrounded by greater difficulties than he does, and with more difficult problems to solve, and while we may not always agree with him—there are very often times when I do not myself—at the same time when it comes to administering the affairs of that Territory, which is particularly and peculiarly within his jurisdiction, I feel that his judgment is entitled to a great deal of weight. I believe now that we have it adjusted so that when the roll is safe, and it is never safe for inspection until it is finished, it will become open to public inspection, and copies of it will be put in the various recording offices. At the same time we make it a misdemeanor for people to peddle around unauthorized, unauthenticated, and untrue rolls, upon which they may speculate in real estate and entangle people in the meshes of litigation.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. SPOONER. The proviso to section 2 of act No. 129 is as follows:

That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States.

Now, the conference committee has inserted these words:

Or to be entitled to enrollment in.

Where applications have been filed and not acted on, does not this language, "or to be entitled to enrollment in," preclude action upon the application?

Mr. CLAPP. That does not seem possible.

Mr. SPOONER. Why were those words put in?

Mr. CLAPP. That clause is used in connection with the applications, perhaps not necessarily. We have made ample provision for applications for enrollment and for completing the rolls. As the law for the Five Civilized Tribes passed the Senate, whatever is done here is an enlargement of the right and not a restriction. It is enlarged as to minors. That is the sum total of the effect of the amendment.

Mr. SPOONER. There is an exception in this act as to minors.

Mr. CLAPP. I know; but that is at the beginning of section 2.

Mr. SPOONER. What I want to get from the Senator is the effect. What effect is it intended by the conference committee that shall be given to these words after the word "enrollment," "or to be entitled to enrollment in any of said tribes?" We have already covered applications. Are these new words necessary; and what is the legal effect of them unless they mean that even if the application had been made they shall not be entitled to be enrolled under the application?

Mr. CLAPP. The Senator refers to the proviso:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes.

Mr. SPOONER. That is what I refer to.

Mr. CLAPP. They can not qualify the law, which expressly provides for no enrollment where applications were not made prior to the 1st day of December, 1905.

Mr. SPOONER. What purpose was intended by the insertion of the words?

Mr. CLAPP. I presume it is just as in a number of other cases where at this session we have inserted the words "fair and reasonable." One could not possibly qualify the other. If a thing is fair, it is reasonable; and if it is reasonable, it is fair. Two words in that unnecessary manner are constantly occurring in legislation.

Mr. SPOONER. The court will not hold it to be unnecessary. The court will not hold these words to have been incorporated without a purpose. Now, what was that purpose? It is not dealing with applications. That is taken care of:

That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment.

That is new.

Mr. CLAPP. Yes; that is right, unless they made application as provided in section 1 prior to the 1st day of December, 1905.

Mr. SPOONER. Does it say that?

Mr. CLAPP. The entire act says that.

Mr. LA FOLLETTE. Will the Senator permit me a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. Certainly.

Mr. LA FOLLETTE. I understood the Senator to say that unless they have filed their application with the Secretary of the Interior prior to December 1, 1905——

Mr. CLAPP. I think that is the date. The Senator will understand that all of this section 1 is an enlargement of time.

Mr. LA FOLLETTE. In just one matter.

Mr. CLAPP. It enlarges it several times.

Mr. LA FOLLETTE. May I direct the Senator's attention to one point?

Mr. CLAPP. Yes, sir; I am listening.

Mr. LA FOLLETTE. Under what conditions may the Secretary receive an application for enrollment?

Mr. CLAPP. He can only receive an application if this amendment is adopted——

Mr. LA FOLLETTE. Without this amendment, under section 1 of the act for the Five Civilized Tribes.

Mr. CLAPP. He could not receive any application unless the application was made prior to December 1, 1905.

Mr. LA FOLLETTE. And could he receive any application unless the name appeared upon the rolls and there was record evidence additional to the rolls with the Commissioner to the Five Civilized Tribes that he had made application?

Mr. CLAPP. Certainly, if his application was made prior to December 1, 1905, under the language here broadened, as it is, by "records," instead of saying "official record." Anything that was in his office as documentary would be evidence that he had made application.

Mr. LA FOLLETTE. But suppose there was nothing in the office of the Commissioner except the tribal rolls with the man's name on it, would he have a right to have his application considered to be enrolled?

Mr. CLAPP. Unquestionably. If he did not, I do not know how to frame a law to give him that right.

Mr. LA FOLLETTE. If the Senator will yield further, I submit to him, if he will just give attention for one moment to the reading of the proviso, it is perfectly plain that no application can be considered simply because the name of the applicant appears upon the roll.

Mr. CLAPP. I absolutely agree with that.

Mr. LA FOLLETTE. And in addition to that there must be some record. Now listen to the language of the act No. 129:

Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner of the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

As I stated before, there are about 150 who made no record in the office of the Commissioner, who simply had their names entered upon the rolls and rested with that.

Mr. CLAPP. I ask the Senator if that roll was in the office——

Mr. LA FOLLETTE. I do not care where the roll was. It does not make any difference. They are not entitled to enrollment. They are plainly, under the language of that proviso of section 1 of the Five Civilized Tribes act, not entitled to be enrolled unless their names shall appear upon the tribal roll *and unless, in addition to that, they made a record with the Commissioner with the Five Civilized Tribes.* The last lines of the conference report plainly aim to exclude and cut off those who have only the record of their names upon the tribal roll, notwithstanding the fact the Attorney-General has rendered an

opinion, and the Secretary of the Interior has approved it, that the mere entry of those names upon the tribal roll gives them a rightful claim, upon which they ought to have their cases investigated without any additional record in the office of the Commissioner to the Five Civilized Tribes.

Mr. TILLMAN. Mr. President, I do not want to have the appearance of being obstinate, and I know Senators are very much interested in getting this bill out of the way. I had hoped that it was ended, having twice, as I thought, succeeded in preventing an infamous outrage from being perpetrated in this act and in the act for the final disposition of the affairs of the Five Civilized Tribes; and yet it sneaks back. Senators will recall the fact that when——

Mr. CLAPP. Mr. President, I call the Senator to order. I take exception to his language. He charges that this provision "sneaks back." I submit, Mr. President, that is not parliamentary language. It is not warranted by the facts of the case. The Senator's own experience in the conference on the rate bill ought to estop him from making charges of that kind, for he knows that the Senate conferees must either let amendments which the Senate puts on go out or bring back the bill, and that would involve the bringing back here of an appropriation bill.

Mr. TILLMAN. Mr. President, if I have transgressed the rules of the Senate and spoken words that are amenable to the criticism which the Senator just made, of course I desire to withdraw them. I always try to say what I think and what I believe, and I can not help it. It is my misfortune rather than my fault. I am only speaking of the fact that when the bill for the final disposition of the affairs of the Five Civilized Tribes was under consideration I found in it this provision:

> The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

Senators will recall the fact that I had what I thought were the assurances of the chairman of the Indian Affairs Committee, who must know that I have no animosity or personal feeling toward him other than that of good will and friendship. I was assured that the Senator and the Senate conferees would endeavor to get those words out or would be willing to let them go out, as they were a Senate amendment. When the bill came back they were in, and the explanation given was that the House conferees insisted on having them stay in. Of course, being a Senate amendment, the Senate conferees could not insist on their own amendment going out. I recognize the difficulties under which they labored, and that when the House conferees agreed that they must stay in it left the Senate conferees more or less helpless.

Having in mind, however, the fact that the Indian appropriation bill, which we now have under consideration, was amended in several particulars to change the statute relating to the Five Civilized Tribes, which had not then been approved, I thought I could get this obnoxious provision eliminated. I therefore offered an amendment to the bill which is now under consideration, which will be found on the top of page 47, striking out of the bill for the Five Civilized Tribes the provision relating to Brown and Jenkins.

Again the Senate conferees accepted it. They assured me that they would endeavor to get the matter agreed to in conference and these words striken out of the bill in conference; but again it returns. So having tried twice to get this outrageous provision, as I call it, taken out of the law, first in the Five Civilized Tribes bill and then out of the Indian appropriation bill, when it comes back here again I thought I was justified a little while ago in using the language that somehow or other it sneaked back. It does not sneak, of course, except that unless one reads the conference report and then goes back to the original matter and examines into it he can not understand what is being done; and that is what I had in mind when I spoke of the sneaking process. In the first instance, the Senate conferees had to accept the House's mind, because the House did not object to the Senate amendment and accepted it, and the Senate conferees were helpless. But in this case the conditions are reversed, and we find that instead of the House conferees accepting our amendments and leaving our conferees helpless, our conferees surrendered to the House on this remarkable provision.

Now, why do I call it remarkable? I send to the desk, Mr. President, to have read, a couple of letters officially dealing with the subject, one from the Indian Commissioner, which I will send up first, in relation to this matter of A. J. Brown and Jenkins, dated away back in February.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter of the Commissioner of Indian Affairs, dated February 28, 1906.

Mr. KEAN. I ask the Senator from South Carolina whether he would not just as lief have the letters go in the RECORD without being read?

Mr. TILLMAN. That depends entirely upon whether the Senator in charge of the conference report will consent to have this matter go over until Monday, when we will have more time to explain and discuss this question. If so, I will put that letter in the RECORD without reading and also this other letter, so that Senators who wish to take any interest in the matter at all can examine them for themselves and see how infamous this transaction is.

Mr. CLAPP. With the consent of the Senate, I will put papers in the RECORD also; the papers which I send to the desk.

Mr. TILLMAN. I am perfectly willing to have all papers bearing on the subject put in the RECORD, for we want to see both sides of the question, because it appears to be an extraordinary proceeding that litigation instituted by the Indian Office and the Secretary of the Interior for the protection of orphans should be taken out of court. It is an extraordinary thing to go in by just simply having the act ratified, on the facts shown by the letters I have sent to the desk.

Mr. KEAN. I hope the Senators will consent to that course.

The VICE-PRESIDENT. Without objection, the papers submitted by the Senator from South Carolina and the Senator from Minnesota will be printed in the RECORD.

The letters submitted by Mr. TILLMAN are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 28, 1906.

The honorable the SECRETARY OF THE INTERIOR.

SIR: * * * Attention is respectfully invited to the amendment beginning with line 9, page 11, and ending with line 18. This amendment has reference to the money disbursed by A. J. Brown as administrator de bonis non under the act of May 31, 1900, and proposes to ratify and confirm his action in disbursing the money. In connection therewith attention is invited to office report of February 6, 1905, Land 10810, reporting on an amendment intended to be proposed to House bill 5976, which is identical with the amendment as it appears here. The amendment is quoted in full in said report.

This subject has been investigated under the direction of the Department of Justice, and papers before this Office on April 13, 1904, showed that Andrew Jackson Brown collected from himself as administrator of Seminole estates for the Wewoka Trading Company, of which firm he was a partner, and for which he acted as agent, $72,783.84; that he paid Samuel J. Crawford, as attorney, $27,392.82; and that both payments were apparently made without authority of law. The question of the distribution by Mr. Brown is pending before the probate commissioner, under the supervision and jurisdiction of the United States court for the western judicial district of the Indian Territory. The Government has recently retained the former United States district attorney for the northern district of the Indian Territory, who is familiar with the subject, as special counsel in the case, and I believe that the question as to whether Mr. Brown properly disbursed the funds may safely be left to the court.

Furthermore, the Seminole agreement, approved by act of July 1, 1898 (30 Stats., 567), provides, among other things, that—

"The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole Nation, approved April 23, 1897, relative thereto, and on extinguishment of the tribal government deeds of conveyance shall issue to owners of lots as herein provided for allottees and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior."

A. J. Brown, brother of the principal chief, was made secretary of the commission to dispose of the Wewoka town site. This commission selected a tract of 640 acres, within the boundaries of which were permanent improvements claimed by the said Secretary Brown, and 160 acres within the town-site limits were set aside for said Brown, as provided by section 3 of the Seminole act.

In February, 1900, John F. Brown, principal chief of the nation, submitted to the commission a proposition on behalf of himself and his brother A. J. Brown, to purchase the lots remaining unsold for the lump sum of $12,000. During about three years following the organization of the commission and prior to February, 1900, only seven lots were sold, and the proposal of John F. Brown was accepted and the transaction concluded by the execution of a deed dated February 12, 1900, to John F. Brown, purporting to convey all of the lots in the town site of Wewoka remaining unsold and not otherwise disposed of. The legality of these proceedings was questioned and the Seminole Nation made an investigation, and on December 16, 1903, passed an act declaring that the sale of the town site by the town-site commission "was done in accordance with the law governing the same."

There was still a question as to the validity of the sale of the town site of Wewoka, and Congress, by the act of March 3, 1903 (33 Stats., 1048, 1068), confirmed and ratified the action of the town-site commissioners in disposing of the unsold lots in the town to John F. Brown. The records of this office show that A. J. Brown was interested in the purchase and, in my opinion, Congress has been very lenient with the Browns; so I earnestly recommend that you request that the amendment herein mentioned be eliminated from the bill and that the question of determining whether the distribution was properly made by Mr. Brown be left to the courts.

* * * * * * * *

Very respectfully,

F. E. LEUPP, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., February 7, 1906.

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: There is inclosed herewith copy of a report of the Commissioner of Indian Affairs upon the amendment intended to be proposed by Mr. TELLER to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

Said amendment provides:

"That the disbursements of the sum of $186,000 to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent, appointed by the Secretary of the Interior, and by A. J. Brown, as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed."

The Commissioner of Indian Affairs recommends, for reasons stated by him, that said amendment should not be enacted into law.

I fully concur with the Commissioner in his recommendation.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1906.

The honorable the SECRETARY OF THE INTERIOR.

SIR: The Office is in receipt of Department letter of February 2, 1906, transmitting, for immediate report and recommendation, an "Amendment intended to be proposed by Mr. TELLER to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes."

The proposed amendment is as follows:

"*And provided*, That the disbursements of the sum of $186,000 to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent, appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed."

By the act of May 31, 1900 (31 Stats., 221, 240) the sum of $186,000 was appropriated "to pay the balance of awards made to loyal Seminole Indians, under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897, under payments to be in full settlement and satisfaction of all claims under said articles and paragraph."

The appropriation was disbursed during April, May, and June, 1901, under departmental direction, by James E. Jenkins, who was then a special agent of this Office, and on April 13, 1904, the Office made report on a communication from Acting Attorney-General McReynolds, dated March 31, 1904, concerning the recommendations of Pliny L. Soper, esq., special assistant United States attorney, in the matter of the loyal Seminole claims made to the probate commissioner on exceptions of the lawful heirs of deceased loyal Seminoles to the report of Andrew Jackson Brown, administrator de bonis non of the estates of deceased loyal Seminoles, relating to the moneys handled by him appropriated by Congress for the payment of the loyal Seminole claims.

From the papers before the Office at that time it appeared that the judge of the United States court for the northern district of the Indian Territory during vacation issued an order of distribution of the money thus appropriated. This order was issued on the report of Z. T. Walrond, probate commissioner. Mr. Soper said that he was positive that the court was not in session at Wewoka at the time the order was issued, and that there was no record of an order of distribution having been made by the court; he considered the order absolutely null and void, as being in violation of chapter 149 of Mansfield's Digest of the Statutes of Arkansas, since it was issued by a judge and not by the court.

From said papers it did not seem that the order had been approved by the court when in session.

The cases are on the probate docket in the United States court for the western judicial district of the Indian Territory, and are numbered 22 to 284, both inclusive.

Andrew Jackson Brown was at the time of the distribution a member of the Wewoka Trading Company, and the papers before the Office on April 13, 1904, showed that, of the amount distributed by him as administrator de bonis non, $72,783.84 was paid to the Wewoka Trading Company; that Samuel J. Crawford, as attorney, was paid $27,392.82, and that the cost of administration was $3,007.04. The amount paid Mr. Crawford apparently included a charge of $1,003.42 against minors unpaid and a charge of $1,185.49 against adults unpaid, making a total of $2,188.91.

It appeared that the administrator, Andrew Jackson Brown, was to have been allowed 3 per cent of the amount of each estate for his services, and Mr. Soper said that he would therefore be entitled to the sum of $4,538.98; but the figures attached as an exhibit did not balance, and the papers showed that in many instances, where the amounts alleged to be due Samuel J. Crawford and the Wewoka Trading Company were the entire amount due individuals, no charge was made for the cost of administration.

It also appeared that Andrew Jackson Brown, as administrator, acted as agent for the Wewoka Trading Company, of which firm he was a partner, and that in his capacity as agent he collected for the Wewoka Trading Company from himself, as administrator of Seminole estates, the sum above mentioned, to wit, $72,783.84.

Special Agent Jenkins paid Andrew Jackson Brown, as administrator of the estates of deceased Seminoles, $151,299.60, of which amount he paid to the Wewoka Trading Company, Samuel J. Crawford, and for cost of administration $103,183.70, which is about 69 per cent of the amount paid him by the special agent.

The Office said that the payment to Mr. Crawford seemed to have been made without authority of law; that in most of the cases payments were made without the consent of the persons from whose estates the deductions were made, and that proper action should be taken to recover the amount so paid Mr. Crawford.

It also said that, in its opinion, Andrew Jackson Brown should be required to pay into court all of the money received by him, in order that it might be properly distributed, and that such payment should include the money paid Mr. Crawford, the amount Andrew Jackson Brown, as administrator, paid himself as agent for the Wewoka Company, and the amount collected by him for his services.

The question of the validity of the distribution by Mr. Brown of the amounts herein mentioned is pending before the probate commissioner under the jurisdiction and supervision of the United States court for the western judicial district of the Indian Territory, and the Government has recently retained the former United States district attorney for the northern district of the Indian Territory, who is entirely familiar with the cases, as special counsel therein. As I believe that the question whether Mr. Brown properly disbursed the funds may safely be left to the court, I respectfully recommend that the chairman of the Senate Committee on Indian Affairs be advised that, in the opinion of the Department, the intended amendment should not be enacted into law.

Very respectfully, F. E. LEUPP, *Commissioner.*

The papers submitted by Mr. CLAPP are as follows:

EBBITT HOUSE,
Washington, D. C., May 14, 1906.

Hon. M. E. CLAPP,
United States Senate.

DEAR SENATOR: Referring to an item in the Indian appropriation bill repealing section 9 of the act approved April 26, 1906, I beg to say that if the honorable Senators who are supporting that item were correctly informed as to the facts, they would not for a moment favor its retention in the bill, but on the contrary they would earnestly oppose it. In 1866 the Government made a treaty with the Seminole Nation, wherein it agreed to pay the loyal Seminoles for property lost and destroyed during the civil war. For thirty-odd years the Government neglected and failed to fulfill that provision of the treaty. The said losses amounted to $163,000, less the amount previously paid.

By the treaty this sum was to draw interest at the rate of 5 per cent until paid. During this long period of waiting the loyal Seminoles often petitioned and asked for payment, but as often they were refused, until 1897, when the Seminole council took hold of the matter and employed attorneys to represent the claimants. The attorneys so employed immediately prepared the claims and presented them orally and by printed briefs to the proper officers of the Interior Department and to committees of Congress, and finally after three years of continuous work succeeded in securing an appropriation of $186,000 by agreeing to compromise, whereby they were forced to reduce the aggregate amount of said claims, principal and interest, from $438,402.69 to $186,000. This sum was appropriated by an act of Congress approved May 31, 1900. The act making this appropriation, as will be observed, authorized the Secretary of the Treasury to pay this money under the direction of the Secretary of the Interior to the claimants, if living, and if not, then to their legal heirs.

At that time it was thought the laws of Arkansas had been extended over the Seminole country, but as a matter of fact they had not. The Seminole government was still working under its own constitution, and its agreement with the United States, ratified by Congress July 1, 1898. Nevertheless, A. J. Brown was appointed administrator for the minors of deceased claimants, and gave bonds amounting in the aggregate to $300,000 for the faithful performance of his duty.

The disbursing officer for the Government, Mr. Jenkins, paid the adult claimants (all of whom were citizens of the United States) with checks, which were cashed some by the trading house of which Mr. Brown was a member, and others elsewhere. If the Indians were in debt, they paid their debts, just as they had always been in the habit of doing.

The money belonging to the minors was turned over to the administrator (Mr. Brown) and by him paid to the parents or natural guardians of said minors, who in turn paid the debts they had contracted for the support of their wards and also the attorneys' fees for services in securing the payment of said claims. Every dollar of that money handled by the administrator was honestly and properly paid out.

At first the attorneys were employed by the Seminole council, but the claim not being a tribal matter, it was subsequently deemed advisable for the claimants to act for themselves, which they did by meeting in convention and appointing a committee with full power to employ attorneys and enter into a written contract for the payment of their fees. All these matters were fully understood by the claimants and perfectly satisfactory to them. Not the slightest complaint was made or a word of objection offered by any one of them until some one discovered the fact that the judge of the United States district court had approved the reports of the administrator at chambers, while the laws of Arkansas (which did not apply to the Seminoles) required such proceedings to be approved in open court. Then the claimants were informed that the whole proceedings were irregular, and that if they would stand together the administrator would have to pay them a second time.

The disbursing officer, Mr. Jenkins, acted in good faith and in obedience to his instructions when he paid the claims.

The administrator, Mr. Brown, did the same when he paid the claimants, and so also did the United States district judge when he approved the reports and proceedings of said administrator.

The only hope of those who would undo this work, which was honestly done under a law that was supposed to be applicable, lies in the remote possibility of their being able to proceed under a new law enacted three years after the payments were made, extending the laws of Arkansas over the Seminole country.

On the 1st day of January, 1900, these claims, principal and interest, amounted to $438,402.69. In full payment thereof Congress, on May 31, 1900, appropriated the sum of $186,000, leaving a balance of $252,402.69 lawfully due the loyal Seminoles.

Would it not be more honorable for the Government to pay this balance rather than try to compel the administrator to again pay that which he has already paid? This, it seems to me, would be better for the Indians than if the Government should adopt a course calculated to impress upon their minds the fact that they are under no moral obligations to pay their honest debts.

It has ever been the custom of the trading houses in the Seminole country to trust the Indians for the necessaries of life in anticipation of their payments from the Government, and when such payments were made the Indians as a rule paid their debts, and so they did when the loyal Seminole claims were paid.

I trust, therefore, that the law as it is may be permitted to stand.

Very truly, yours,

SAML. J. CRAWFORD.

Memorandum of facts in regard to the payment of the loyal Seminole claim.

Certain individual Seminole Indians remained loyal to the United States during the war of the rebellion and suffered loss of their prop-

erty from depredations by their disloyal neighbors. To compensate these loyal individuals Congress appropriated, by act approved May 31, 1900, the sum of $186,000, which sum was disbursed by James E. Jenkins, special agent, under the authority of the Secretary of the Interior dated May 7, 1901.

At the time of this disbursement the individual claimants were citizens of the United States.

Special Agent Jenkins was instructed, in making payments on behalf of deceased beneficiaries, to require administration papers from a court of proper jurisdiction. He was further instructed to make all payments by check payable to the order of the persons entitled thereto, and that the check should be placed directly in the hands of the individual beneficiaries. He was also instructed not to make any arrangements to favor in the slightest degree any merchant, trader, or other creditor, and neither they nor their representatives, nor any collector of any description were allowed to be in his office while payment was in progress.

These instructions were attempted to be complied with to the letter, but the administrator who was appointed to receive the money of the minor beneficiaries was so appointed under the laws of the State of Arkansas, which were not in force in the Seminole Nation at the time of such payment and therefore the administrator was without authority in the premises. However, Andrew Jackson Brown, who was thus appointed administrator, gave bond in the sum of $300,000.

For the purpose of securing this claim, the individual claimants, assembled in council or convention, had employed a competent attorney to conduct their case, who rendered services in that behalf for many years, and the claimants were all willing and anxious to compensate him.

These individual claimants, following the usual custom of the tribe, had contracted debts on the strength of their expected payment and in anticipation thereof with the Wewoka Trading Company and others.

In making the payments, checks were issued to those of full age and delivered to the individual beneficiaries, who, following their own inclinations, took the same to the Wewoka Trading Company and there had the checks cashed and paid their debts, including the amounts which the claimants had authorized to be paid to their attorney and were perfectly satisfied with the transaction. The beneficiaries of decedents were in like manner paid to the administrator, who settled for amount of debts contracted, in accordance with the custom of the tribe, by the parents and guardians for nurture of the minors and also paid the fair share of these minors of the amount due to the attorney for the claimants.

The administrator made up his accounts and the same were approved by Judge Gill sitting in chambers, and the matter was supposed to be finally ended.

At this time one Crane, a brother-in-law of Andrew Jackson Brown, and an ex-convict, conceived the plan of securing to himself an informer's share, under section 2103 of the Revised Statutes of the United States, upon the theory that this money had been disbursed, so far as the attorney's compensation was concerned, in violation of that section, which share is one-half of the amount of money which might be recovered by the person sueing for the same. Upon his representations suits were instituted to recover the money paid through the administrator upon the technical ground that the order confirming the acts of the administrator had been executed in chambers instead of in open court, as required by the laws of the State of Arkansas, which were supposed to govern the proceeding. Upon these suits large sums of money have been paid from the fund to court officers, and payment of further charges amounting in the aggregate to $5,000 or over were pending at the passage of the act confirming the payments by Special Agent Jenkins and by Administrator Brown.

The improvident payment by Inspector Jenkins was that to an administrator appointed by a court having no jurisdiction. Unquestionably the right of recovery by the United States would lie against Jenkins's bond for this money if it was wrongfully paid. The confirmatory act heals this defect.

The money paid to adults was paid direct to the individuals, who were each citizens of the United States, who made such use thereof as he himself elected. The fact that the money was used in the payment of debts is not a reasonable criticism of the payment.

The money disbursed by Brown as administrator for the payment of the debts contracted by the parents and guardians for nurture of minors, was paid in accordance with the customs of the tribe and in accordance with the long-continued custom of giving credit by trading companies to the parents and guardians for nurture of those expecting funds from the Government as in the case of annuities and other payments. It has never been charged or suggested that the money so paid was not actually due to the Wewoka Trading Company, where most of the indebtedness was contracted. Every cent of the money was honestly and properly applied either by the individual beneficiaries themselves or by the administrator appointed for the purpose of receiving and applying the fund.

The proceeding instituted by the Government through the Interior Department was so instituted upon false and misleading statements on the part of the convict Crane, and have been maintained under the mistaken idea that the fund, particularly of minors, had been misapplied. This, however, is distinctly erroneous, and if the parties to whom this money has been paid in the payment of the debts of these people were required to refund the same, the individuals for whose benefit the recovery would be had would be encouraged in an unwarrantable and dishonest proceeding—that is, the repudiation of their just debts.

It is not contended but that the court which approved the accounts of the administrator, Brown, in chambers acted in good faith under the supposition that authority was vested in him to thus approve said accounts. The approving judge has never since sat in that district and never had an opportunity to approve the accounts in open court nunc pro tunc, another judge having set aside the order made in chambers, thus reopening the administrator's accounts.

It is now conceded that the appointment of Brown as administrator was without authority of law and improvidently made, and that the money of minors was paid over to him by Jenkins without legal authority. The object of the act confirming and ratifying both the action of Jenkins and the action of the administrator, Brown, was to heal these technical irregularities. The confirming act leaves to any person aggrieved the individual right of action, and it is substantially just in the premises and no more. The object of the confirmatory act was to not only relieve Special Agent Jenkins from liability, but also to confirm the improvident appointment of Brown and to confirm the act of Judge Gill, who approved his accounts in chambers instead of in open court, with the further object to prevent litigation which has already eaten deeply into the fund and which, if continued, will exhaust any part of the fund now remaining in the hands of the administrator, Brown.

BUTLER & HALE,
(For administrator).

The following is a copy of the instructions to Mr. Jenkins, under which the loyal Seminole payments were made, to wit:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 7, 1901.

Mr. JAMES E. JENKINS,
Special United States Indian Agent, Present.

SIR: Upon the completion of your report upon the investigation recently made by you, you are directed to proceed to Perry, Okla., in order to arrive there not later than the morning of the 13th instant, for the purpose of testifying in the case of The United States *v.* Asa C. Sharp.

Upon the completion of this duty, you will proceed to the Indian Territory for the purpose of making payment to the loyal Seminole Indians of the $186,000 appropriated in the Indian appropriation act approved May 31, 1900, page 22.

Report your arrival at Perry, your departure therefrom, and your arrival in the Indian Territory by wire.

Steps will at once be taken to place to your official credit the sum above referred to, in installemtns, to enable you to pay the balance of the awards made to the loyal Seminole Indians, per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement on December 16, 1897, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph.

The roll containing the names of the persons entitled to payment, together with the census roll prepared by you, are handed you herewith.

You will make two copies of the pay roll, and, after making the payment, return two copies to this Office with your accounts. A separate account must be rendered for this payment.

In making payment in behalf of deceased beneficiaries, you will require administration papers from court of proper jurisdiction.

The shares of all who are entitled to receive and receipt for their own, but which, for any reason, you are unable to pay, should be returned to the United States Treasury, to be afterwards paid through this Office.

All payments are to be made by check, payable to the order of the persons entitled, and must be placed directly in their hands.

You are not allowed to make any arrangements to favor, in the slightest degree, and merchant, trader, or other creditor, and neither they, their representatives, nor any collector of any description are to be allowed in your office while payment is in progress.

In no case will you recognize a power of attorney.

You will be careful to make full and clear notes on the pay rolls, explaining any matters that are unusual, such as date of death of anyone who may have died since the roll was prepared, reason for returning to the Treasury the share of any person entitled, etc.

You will also be careful to enter in the column prepared for that purpose the date on which each payment is made, also to indicate the depository on which you draw your checks, and to place the number of the check opposite the name of each person paid.

Upon your arrival in the Indian Territory you will commence the payment without delay, and as soon as the first installment placed to your credit is exhausted you will wire this Office, when another installment will be placed to your credit.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

Mr. KEAN. I ask the Senator from Minnesota [Mr. CLAPP] if he will yield now for a motion to adjourn?

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. KEAN. Certainly.

Mr. TELLER. I did not know the Senator from New Jersey had the floor.

Mr. KEAN. I did not know that I had the floor, either.

Mr. TELLER. I did not understand that the Senator from New Jersey had the floor.

The VICE-PRESIDENT. The Chair understood the Senator from New Jersey to address the Chair.

Mr. KEAN. But he only addressed the Chair in the time of the Senator from Minnesota [Mr. CLAPP].

Mr. TELLER. He yielded the floor.

Mr. KEAN. I yield.

The VICE-PRESIDENT. The Senator from Colorado [Mr. TELLER] is recognized.

Mr. TELLER. Mr. President, if the consideration of the conference report is to go over, I will address myself to it at some other time. I simply want to say that there is nothing in this transaction that justifies the Senator from South Carolina [Mr. TILLMAN] or anybody else in calling it an infamous transaction. The Senator, from some statements which people have made to him, makes a statement here that I know and the committee know can not be supported. I shall, however, address myself to this matter when I have an opportunity; but I do not intend to allow the Senator from South Carolina to charge the committee with presenting an infamous transaction here. He may do it, I suppose, but he shall not do it, at least, without having a denial put upon record by me, Mr. President.

Mr. TILLMAN. Mr. President, I was not aware that the Senator from Colorado [Mr. TELLER] had any interest in this matter at all. As I said a moment ago, the matter appeared to me extraordinary; and if the word "infamous" is too strong I will use some milder phrase. I will think up one, probably, or try to do so, and insert it in my remarks. But what appears

to me to be strange, unaccountable, unreasonable, and unjust is that Congress should step in and by enactment cause to be stopped the litigation and lawsuits now pending in the courts to recover from this man Brown money that is claimed or alleged to be due to these Indian orphans; and that these lawsuits should be stopped and the action of Brown and Jenkins should be ratified, when the Commissioner of Indian Affairs and the Secretary of the Interior send an official communication, in which they point out the fact that Brown, as the agent of the Wewoka Trading Company, paid to himself or to his own concern or his own store $72,783.24 of this money, and then paid to some one—I do not know on what pretense or for what reason—$27,392.82 out of the $186,000 appropriated by Congress to settle these just claims—I suppose they must have been just, although some lawyer may have manipulated them, but I will take it for granted that they were honest and just claims—I say it is extraordinary to my mind and unreasonable; but I will stop for fear my adjectives may get too hot. [Laughter.]

Mr. TELLER. I will not allow the Senator to assert that I have been interested in this claim.

Mr. TILLMAN. I did not say that. I said I was not aware that the Senator was interested in this matter.

Mr. TELLER. I have got only the interest in it which any Senator who is a member of the committee would have. We attempted to discharge our duties properly, and we know more about this case than does the Senator from South Carolina. I assert here that there is nothing disreputable in this case in any shape or manner.

Mr. TILLMAN. Why, then, not let the court settle it?

Mr. TELLER. We propose to let the court settle it. We have put that in ex industria that it should not prevent anybody from going to the court. Even if the Senator is a cornfield lawyer, he ought to know that. We could not take that right away even if we had tried to do so. It is one of the rights of these people. They are not Indians; every one of them is a citizen of the United States. The Government of the United States can bring as many suits as it chooses, and each individual can bring his suit.

I will not, however, go into this question now; but the Senator from South Carolina, from what he has just stated as facts—which I do not believe are facts—must have a very unfortunate opinion of the transaction, and he must have a very unfortunate opinion of the committee, or he must believe the committee dishonest—one or the other.

Mr. TILLMAN. The Senator from Colorado is angry, and I have too much respect and admiration for him to in any wise say or do anything to offend him or give him a reasonable excuse for any such language.

Mr. TELLER. I do not allow anybody to taunt me with dishonesty, either directly or indirectly.

Mr. TILLMAN. I have not charged the Senator with dishonesty.

Mr. KEAN. Mr. President, am I recognized?

The VICE-PRESIDENT. The Senator from New Jersey.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 11, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 9, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AMENDING SECTION 3646, REVISED STATUTES.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5811) to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906.

Be it enacted, etc., That section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906, be amended by striking out the words "check or warrant" wherever said words appear in said amended act, and by substituting in lieu thereof the words "disbursing officer's check," so as to make the section read as follows:

"SEC. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of $50 the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain what this bill does.

Mr. DALZELL. At this present session of Congress we passed a law amending section 3646 of the Revised Statutes, which section of the Revised Statutes imposed a limitation upon the discretion of the Secretary of the Treasury upon issuing lost checks.

Mr. MANN. I thought it increased the authority.

Mr. DALZELL. It increased the authority by removing the limitation. Now, the Secretary of the Treasury says the words used in that amending statute were too broad; that we used the words "check or warrant," whereas we ought to have used only the words "disbursing officers' checks," and that the purpose sought to be accomplished by the amendment has been in part defeated by reason thereof, and it is to correct that error which he claims is in the law which passed that this bill is presented.

Mr. MANN. I can not quite understand how using words too broad defeats the purpose of the amendment. This is restrictive. We have had so much trouble heretofore about these lost checks that I want to see the Secretary of the Treasury have as broad power as possible.

Mr. DALZELL. So do I; and he will have as broad power as we want him to have, he claims, under the law as it is now proposed to amend it.

Mr. MANN. How does he know what power we want him to have? And you are limiting his power by this legislation.

Mr. DALZELL. Not at all.

Mr. MANN. That is what the gentleman stated.

Mr. DALZELL. The words necessary to be used in order to give him the power that we want to give him by the act which we passed at this session of Congress ought to have been "disbursing officers' checks." Now, we did not use the words "disbursing officers' checks," but used the words "check or warrant."

Mr. MANN. Does the Secretary of the Treasury hold that the word "check" does not include disbursing officers' checks?

Mr. DALZELL. The Secretary of the Treasury holds that the law substantially has been wrong for about twenty years. I was the introducer of the bill, and when I introduced the bill I followed the language of the Revised Statutes we wanted to amend. Now the Secretary says that the language ought to be "disbursing officers' checks" instead of "check or warrant."

Mr. PAYNE. What he says is now it includes warrants passing between officers of the Government, and in order to have those renewed and have a duplicate issued, it requires the officer to give bond, as the statute is to-day. They discovered it since we amended it, and the statute has been that way all the time, and this is simply to relieve those warrants issued between Government officers and the officers having to give bond and security against duplicates.

Mr. MANN. I will say to the gentleman, after his lucid explanation, it is just as clear as mud; but if he insists he has investigated it and it is extending the power, I am perfectly satisfied.

Mr. DALZELL. I am perfectly clear about it.

Mr. LACEY. I know what my own purpose was when I voted for the bill, and that was to allow all sorts of Government checks to be duplicated under the limitation and authority. For instance, you get a draft drawn by the Treasurer or assistant treasurer of the United States on the assistant treasurer at New York and that is lost. Now, we do not want to come to Congress to get authority to get a duplicate, and that bill was introduced undertaking to cover that sort of a check. Now you limit it to disbursing checks and disbursing checks only and do away with the advantage of the bill we passed——

Mr. DALZELL. Not at all. All checks to which the gentleman refers are disbursing checks, and on all those checks, of course, duplicates are issued upon proper indemnity being given, but there must be proper indemnity.

Mr. LACEY. That is, providing the amount is under $2,500. But suppose the amount is over that?

Mr. DALZELL. We struck out the limitation upon the amount in the law we passed. The indemnity clause still stays, but we struck out the amount. In the old law the Secretary of the Treasury could not issue a duplicate check for an amount over $2,500.

The law as we amended it allowed him to issue a duplicate check, without reference to the amount, upon proper indemnity